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EDITORIAL : STATE OF THE NATION

MAIN ARTICLES : ELECTION SURVEY OF THE VITH LOK SABHA ELECTION OF 1977 IN ORISSA : A PRELIMINARY REPORT.

INDIAN LIBERALISM : ANTECEDENTS, OPERATIONS, AND LEGACIES.

WHO CONSTITUTE THE WEAKER SECTIONS ?

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THE CHANGING ROLE OF THE SUPREME COURT OF INDIA.

INTER ACTOR CONFLICT RESOLUTION : A STUDY OF COALITIONS IN ORISSA.

SOME PROBLEMS OF POLICE CONSTABLES AN EMPIRICAL SURVEY.

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The State of The Nation. 1977

EDITORIAL

1977 will be remembered in Indian political and constitutional history by many as a year of glory, of political change, and even of a silent revolution, the year in which Indian democratic life was tested and found not wanting, The first step in democratic vindication came with a bang - the announcement of parliamentary election by Mrs. Gandhi, to take place much earlier than the end of the extended term of the then House of the People - a magnanimous step, though a miscalculated one for her and her party - and the last step was when she gracefully handed over power to the Janata Party in March of that year, when the people voted her out, thus ending the 30-year monopoly of Congress rule at the Centre. Even her worst detractors in India and abroad had hailed this decision that ended the Emergency (what historians have already called the "Dark Nineteen Months") and of, as the later revelations purported to prove, and euphomistically called" emergency excesses"-- tyranny, naked autocracy end a sort of absolutism that is heard of only in totalitarian states.

Why Prime Minister Mrs. Gandhi declared the Emergency, why she allowed these "Excesses" to take place before her own eyes, and above all why she called for the Election when she could have comfortably carried on for another year, these are all matters for journalistic scoops and academic exercises. Already there is a spate of 'instant books' containing half-truths and absurdities, even by political scientists, that cannot stand a second reading. Probably, truth will never be known; and more probably, as far as basic history is concerned, that "truth" need never be known.

What every pandit and scholar had missed to note is another mini-revolution that had taken place and would have taken place even if Mrs. Gandhi's party had won - the reversal to the C. P. I,'s ascendency to India's

inner counsels and decision-making positions; may, it was C. P. I.'s cataclysmic fall, from which probably it would never recover. Ever since the 1969 Congress Split, taking advantage of the helplessness of Mrs. Gandhi as the head of a minority government at the Centre and later entering into electoral alliances and adjustments with the Congress Party, the C. P. I. had gained so much confidence that it had begun to talk about "sharing power" with the Congress at the Centre. To the growing critics of Mrs. Gandhi, it looked as though India was getting ready for a Czechoslovakian style of coup; but let it go to her credit that Mrs. Gandhi herself realised the danger and openly denounced the C. P. I. without naming that Party at the A, I. C. C. session held a few days before the elections were announced. Who were responsible for this decision of Mrs. Gandhi to get rid of the C. P. I. and what were the circumstances leading to that, are matters that require further study. In any case, the downfall of the C. P. I. is one of the important events of 1977.

The rapid formation of the Janata Party and its sweeping victory at the election in the northern belt, under the inspiring leadership of Jaya Prakash Narain, the last of the Gandhians - a Gandhian, according to us, is one who feels righteous indignation, and fights for a right *cause*, without expecting any gain from this for himself; and J. P. fought against autocracy, regained individual freedom for the country, and himself got nothing out of it, except damaged kidneys - will go down in Indian history as other important events. The defeat of the Congress Party was not just a defeat; it was a total rout for a Party that had not only ruled for thirty years, but also had some notable achievements to its credit; and this rout included the graceless exit of some of the stalwarts of the Party from Parliament, especially its leader, Mrs. Gandhi, and her henchmen, who were then dubbed as the "Evil Four" that were alleged to have surrenderd and misguided her. What a fall, my countrymen !

Even before the Emergency, there was talk of United Opposition, just to defeat the Congress at the Centre, a dream of many a frustrated politician and the wish of many a citizens for a responsible opposition, which was considered to be a *sine quo non* of parliamentary system of government. But, far from "uniting for strong Opposition", the first quarter after Independence has witnessed more splits than mergers - all important all-India parties had split -

though talk of mergers, alliances, parmanent coalitions and federal parties, continued. It was the Emergency and common jail experience that forced events and left no time for common bickerings and political petti-mindedness; and it was Four Plus *un-like-minded* parties that finally emerged as a (united) Janata Party and took office as the first non-Congress Government at the Centre.

Three questions arose just after the Elections, all 64-thousand dollar questions : What was in store for Mrs. Gandhi ?; What was the future of the Congress Party ?; and how long would the Janata last. And none of these questions had been fully answered till the end of 1977, though some definte trends were discernible : Mrs. Gandhi was trying to come out of the wilderness even if it meant splitting the Congress once again, and the inner contradictions in the Janata Party were coming to the surface; but there did not appear to be any danger for the Congress and Mrs. Gandhi withering away or the Janata Party disintegrating. As two political analysts concluded in an article written just after the General Election of 1977, the Congress needs Mrs. Gandhi to hold the umbrella and provide a rellying point of all the diverse interests that Congress represents, while a possibility of Mrs. Gandhi coming back to power is enough to keep the Janata united. Long live Indian polity whose stability depends upon such slender considerations and negative virtues :

Pefore the Shah Commission. appointed by the Janata Government to inquire into emergency excesses, were made some startling revelations. Two of them may be singled out, namely, the 'unconstitutional' declaration of the Emergency in 1975, and the exixtence during the Emergency of an "extra-constitutional authority" at the Prime Minister's residence exercising extra-ordinary, arbitrary powers, which probably even the Moghal Princes were not enjoying during India's worst days. The declaration of Emergency under Art. 352 (while one was already under operation at that time) was made by the President on the recommendation of the Prime Minister only knowing fully well that it was not considered and recommended by the Council of Ministers as required under the rules. Who was guilty. - the President who violated the constitution, or the Prime Minister who violated the business rules and

constitutional propriety, or the Courts, who when this was brought to their notice tried to escape under "the satisfaction" of the President even though legal and constitutional provisions were violated ? And what should be done now to avoid a repetition of such sadistic blunders, not merely in the case of Emergenies only, but also in other matters, such as promulgation of ordinances and a myriad other things which are routinely signed by the President in the name of "constitutional presidency" ?

The existence of an "extra-constitutional authority" during the Emergency, does not come as a surprise to political scientists who understand the power structure in a society, and to ordinary citizens who suffer daily under its yoke. at all levels, under all circumstances, and under all systems of government. The scions of rich landlords in the rural areas, the children of Police officers and magistrates and scores of others who have some one in the official heirarchy, they all enjoy some privileges of an extraordinary nature that defies description. What was exceptional with this extra-constitutional authority was the way big officers and colossus of Ministers (alas, of clay as it subsequently proved) were made to behave like "rats" (in the language of Fernandes in other context) and take orders even to demolish houses, knowing fully well that law would not protect them against executing incompetent orders from "above". While it is true that everywhere and everyone in authority, as the post-emergency saying now goes, has got a "Sanjay", perhaps it is equally true that a people get a government which they deserve; and Indians cannot be really independent and maintain the "dignity of the individual" guaranteed by the Preamble, unless they learn to fight for their rights to the last, not only in the Courts but also with force and weapons if necessary.

Some people, hastily, said that the Elections of 1977 heralded a "political change" in India This idea deserves greater discussion and analysis. Ordinarily political change is supposed to occur when there is a visible, discernible change in the value system of the people, ideology and structure of the government, the style of functioning of the political institutions including political parties etc; and change must be noticeable at least in some of the factors mentioned above. People that talk about political change as having

taken place, mostly refer to the fact that an authoritative regime had been abruptly ended by popular choice. But this simple change in government, though it ended authoritative trends, cannot be called political change; as Morarji Desai asserted, India had always been a democracy and a lover of democracy; the Emergency was an aberration, though constitutionally sanctioned, and the people voted it out when they got an opportunity. To call it a political change, we must search elsewhere; and we find that there is nothing of a change either in the functioning of the government. or in the functioning of the other institutions, particularly in political parties. To take cabinet functioning as an example, some important States are not represented in the cabinet as in the olden days, and cabinet sub-committees are still the centres for decision-making; the prime minister functions, his colleagues have complained, as if he were the sole decision-maker; and the ministries function each as an "empire", again, as of old - it may be recalled, S. K. Patil and later C. Subramanyam, both described their ministries as "empires" - and a cynic has called it "a cabinet of twenty prime ministers", each trying to convert his individual fads into public policies, again, as of old. Individual ministers lead a style of life which is not in accordance with "austerity" declared in the election manifesto; and they tour inside and outside India, as of old, without ostensible work and also for party purposes. The Parliament too functions as of old - with absentee members, party whips, protests, thumping of desks and walk-outs - the Congress Opposition today just doing the same things and using the same tactics to which they had objected when the present Janata people were in the Opposition - thus wasting a lot of time for which they are paid from public money.

Similarly, there is no change in the functioning of political parties; not even the Janata Party had been affected by concepts of total revolution and decentralisation. Inner oligarchy to which Robert Michels had referred, prevails in all parties, including the Janata, and in all the cases, candidates are selected without any reference to the wishes of the voters and thrust on the constituencies, and on criteria - for instance, jail-going, in the case of Janata - which had nothing to do with the duties and responsibilities of a legislator, thus bringing into the Legislatures the same old faces under a different label: Chief Ministers are selected by the high command, with scant respect for the wishes of the Legislature parties in the States; and the Janata Party was swept

into power with the same minority vote (43% of total votes polled) as the Congress Party did for thirty years.

And, above all, there is no change in the style of popular protests. India got independence by taking political protests into streets and the Janata came into power through the same means. Agitational style of politics has become a part of democratic functioning in India; and there is no change ***at all*** in this style : Parties make irresponsible promises at the time of elections (promises they know they could never redeem) and raise expectations of the people just for vote-catching; governments take decisions even without consulting their legislature parties; and opposition opposes just for opposition; the legislature party pressses for change of leadership and the opposition presses for change of government; and horse-trading and defections start; Opposition is taken to the streets, with agitations and counter-agitations, there will be brick-bats and police firings (in "self-defence"), followed by adjournment motions, no-confidence motions inquiry commissions, etc. In all this, there is neither democracy, nor the interests of the people at large; and this democratic ***tamash*** goes on., and the tax-payer pays on.

We refuse to accept, without further research and analysis, that there had been a "political change" with the 1977 election and advent of the Janata Party. However, there were two strange trends visible then which could bring about a political change if they persist. One was what was called the North-South dichotomy, and the second was the preference of the voters for State parties to run the State governments. For election to the House of the People, the Hindi-belt undoubtedly voted for the Janata and the South equally definitely voted for the Congress, while the States in between voted both this way and that. (The Congress was not routed in Orissa, for example, election results showed; for the same percentage of voter support as in 1971, the Congress got spectacularly less seats, thanks to the tricks of the election system). And this trend was confirmed more or less at the subsequent Assembly elections. Their political consequences remain to be studied.

A first class constitutional crisis was created by the Janata Government and the then Acting President, B. D. Jatti. Union Home Minister

Charan Singh (then considered to be a strong man and a second Sardar Patel) addressed a letter to eight State Chief Ministers (of Orissa, West Bengal, Bihar, Uttar Pradesh, Himachal Pradesh, Haryana, Punjab, Rajasthan and Madhya Pradesh) where the Congress was routed at the recent Parliament Election, all then under the Congress, advising them to the effect that, in view of the rout of their Party, they should advise the Governors to dissolve the Assemblies and seek a fresh mandate from the people, The Congress,long accustomed to the misuse of Art, 356 (President's Rule) itself, could easily see through the game that Janata was having in mind the ensuing Presidential election, in which electoral college, the Janata and its allies did not have a clear majority,and refused to oblige. The Janata Union Cabinet recommended to the Acting President that he should apply Art. 356 to all the eight States and take over the administration and dissolve those State Assemblies; and B. D. Jatti, the Acting President a strong Congressman and a pro-Indira man, refused to do so thus bringing to the surface inner contradictions in our constitutional structure and precipitating a first class crisis. The Cabinet threatened to resign and the Janata followers in the streets organised "a march" to Rashtrapati Bhawan to force the issue; and Jatti meekly signed. Why of all the people an Acting (constitutional) President wanted to precipitate a crisis, is a wonder even till to-day; but the Government had a strong point. Arts, 355 and 356 if read together, impose a *duty* on the Union to see that the government of a State is carried on "in accordance to the provisions" of the Constitution. One of these "provisions" in letter and spirit is that there should be a democratic government in the States, which means an executive responsible to the legislature and a legislature *representing the people.* Now a doubt had arisen, in view of the rout of the Congress, whether State Lagislatures of these elected in 1972 with Congress majorities continued to represent the mood of the people, and all that the Union tried to do was not to take over the governments under Art. 356, but just put that question to test and give a chance to the people to express their will - well, that is the essence of parliamentary system as opposed to the presidential, which makes responsibility and representation *continuous* and testable whenever a doubt arises; and certainly it was an occasion for such a doubt and it was the *duty* of the Union to clear it,

By the end of the year, another constitutional crisis was brewings, this time in the South. Karnataka had retured an undoubted Congress majo-

rity in the 1972 Assembly election and the State enjoyed a stable ministry ever since, under Devraj Urs; and also in the 1977 March election to the House of People, the State electorate preferred the Congress by an overwhelming majority - there was no doubt here as to which Party enjoyed the continuous confidence of the people. But meanwile internal dissensions plagued the Party, both at the State level and the all-India level. At the State level some of his detractors made charges of corruption and nepotism against Devraj Urs, for which a Commission of Inquing was appointed by the centre; and one of the worst of Urs's detractors was nominated President of the P. C. C, by the new Congress President, Brahmananda Reddi. (See Diary of Events, elsewhere in this issue). Feeling let down by the new Congress High Command who virtually disowned her and the Caucus as well as the Emergency, Mrs Gandhi called a "National Convention of Congressman" to "revitalise" the Congress, in which Devraj Urs played a prominant part - Urs was also responsible for collecting signatures for calling a session of the A. I. C. C. to elect a "new" Congress President. The High Command reacted sharply by "suspending" Urs—this kind of action against a C. M. was the first of its kind in Independent India. The Governor was faced with a piquant and unprecedented situation as to what to do with the Urs. Ministtry : to dismiss the Ministry and introduce President's rule under Art. 356, or to wait till the Assembly decided on its own floor on 3rd, Jan. 1978 when it was summoned to meet. As the year ended, his mind seemed to have been made up in favour of President's rule on two grounds; that Urs was suspended by his own Party and that he was also indulging in misusing his position to "purchase" support.

The new Janata Cabinet contained quite a few people who had no experience of Office at all previously; but it was they that made greater success of their ministries than even the old hands, The new Cabinet revealed great hidden talent to George Fernandes, Atal Bihari Vajpai, Mohan Daria, Shanti Bhushan and L, K, Advani - they soon grasped the problems of their ministries and evolved policies suited to the needs of the country. Charan Singh, Biju Patnaik and Banuguna were experienced and successful Chief Ministers before, and Morarji and Jagjiwan Ram were Ministers for longer periods than one could remember. Of the Ministers of State, Samarendra

Kundu, Dhanik Lal Mandal, Narasingh and Bhanu Prasad Singh had exhibited extreme competence in handling the problems of their respective ministries. Thus the Janata Government, though not one of *all* talents, had contained enough, and more talent than was suspected in the beginning. Soon sound policies regarding export-imports, industry, agriculture, foreign affairs etc. were evolved, and the price line was contained. On the whole, 1977 ended on an optimistic note in favour of the Janata Party, though the public were still riding on high waves of unfulfilled expectations, whose repercussions had to be seen and felt in 1978.

Election Survey of the VIth Lok Sabha Election of 1977 in Orissa : A Preliminary Report.*

A. P. Padhi and S. L. Srivastava**

The sudden declaration of the Sixth Parliamentary election on January 18, 1977, by the then Prime Minister Mrs. Indira Gandhi, especially at such a time when neither the political parties nor the masses were mentally prepared for the election— because only a few months prior to this announcement, the term of Parliament was extended until March, 1978— is a unique decision in the history of Parliamentary Election in India since independence. It is more so, because no Parliamentary election in India, except the Sixth one, was held during an internal emergency. The declaration of the Parliamentary election in such a situation attracted the attention not only of the politicians of India but of the world also. From the very moment of the declaration of the Parliamentary election, the leaders of different political parties in the country started thinking of strategies to win the election. The political parties other than the Congress were very much worried because most of their leaders were still behind the bars and their coffers were also almost empty, whereas the Congress party was having all sorts of privileges and power at its foot steps. So the leaders of the Congress party were very much sure of their victory. This certainty of the Congress leaders, the authoritarian attitude of Indira Gandhi and the sufferings of the Opposition political leaders as well as those of the masses, compelled the major political parties to unite together and fight the election with full force.

The authoritarian attitude of Indira Gandhi had not only affected the masses and opposition political parties but also created some sort of bitterness and disillusionment among many important leaders within the Congress party itself. These disillusioned politicians of the Congress sensing other major political parties uniting together, also jumped into the main stream of

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*This Survey of the VI Parliamentary Election to Lok Sabha was undertaken by the Departments of Political Science and Anthropology & Sociology, Sambalpur University, Burla, Orissa, supported by a generous grant by the University Grants Commission, with Dr. A. P. Padhi and Dr. S. L. Srivastava as Directors and Dr. S. N. Ratha, Professor of Anthropology & Sociology, Sambalpur University, as Adviser.

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the opposition parties to get rid of the domination of Mrs. Indira Gandhi and also to oust the Congress party from power. This decision boosted the morale of the other political parties directly, and the masses indirectly to unite together with more vigour and give a tough fight to the Congress party, and thus helped them in making a firm determination to oust the Congress from power. The net result was the emergence of Janata party as a Potent political party. The C. P. I. and C. P. M. parties also started strengthening themselves to their utmost capacity. All these developments attracted the attention of social scientists, and they started thinking to find out the attitude and voting behaviour of the electorate in the Sixth Parliamentary election. It is thus that we were attracted to undertake this study so that we may know the attitudes and voting behaviour of voters in Orissa. Another factor which prompted us to undertake this study, is the absence of such studies in Orissa. Only one study on Parliamentary election, that too of a Mid-term poll in a single Parliamentary constituency in Orissa was conducted in 1971 by the Department of Political Science, Berhampur University, which does not provide the clearer view of the attitudes and voting behaviour of the voters in a general Parliamentary election. So, the present study is an attempt to fill up this deficiency.

Such a study of the attitude of voting behaviour of the voters may provide some insight into the political awareness and preferences of the voters. The knowledge of what type of Members of Parliament voters wish to elect, the party which they wish to boost up, and the party which they wish to oust and for what reasons and the extent they succeeded in this context, may provide some idea about the general wishes of the masses. Such a knowledge may be of immense help to the Government in deciding future courses in formulating policies. It may also help the political parties in changing their policies in future.

Objectives of the Study :

In this study an attempt has been made to analyse the attitudes and voting behaviour of the voters according to their caste categories, sex, age, educational standard, income and occupation. Apart from all these, an attempt has also been made to understand the attitudes and voting behaviour of the voters belonging to Scheduled Caste and Scheduled Tribe and other castes in general. To be specific, the main objectives of the study were :—

(1) to study the voting behaviour and its determinants;

(2) to look into the factors that are responsible for voters' commitments besides their party affiliation;

(3) to find out whether the average voter is party oriented or candidate oriented or issue oriented:

(4) to identify voters and non-voters;

(5) to assess the general awareness of the voters about election processess and the media which helps promptly to defuse this type of knowledge;

(6) to find out the political orientation of the voters;

(7) to find out the nature of shifts that occur among the voting population;

(8) to find out the general consideration of the voters while voting for a candidate in Parliamentary election;

(9) to find out their expectations about the party which may gain majority in the State and in the country,

(10) to find out the degree to which their expectations proved to be correct;and;

(11) to find out the general attitudes of the voters towards Parliamentary election itself.

Besides, the above objectives of the study, an attempt has also been made to test some such hypotheses as follows :

(1) Rural voters are more influenced by caste and religious considerations, and urban voters by party appeals, press and economic interests;

(2) voters of minority communities usually vote for the party in power;

(3) in rural areas voters belonging to well-to-do classes are politically more active than the voters belonging to economically weaker sections of the community;

(4) the voters belonging to poorer sections vote in favour of those who provide them with immediate benefit of any kind, and the voters belonging to rich sections are not affected by such considerations; and,

(5) young voters are less influenced by caste considerations than the old.

Method of the study :

For the study, two Parliamentary constituencies, namely, Cuttack and Deogarh were selected. The main considerations for selecting these two constituencies were as follows :—

(1) They represent the two distinct regions of Orissa - coastal and western Orissa,

(2) they represent a predominantly urban constituency and a predominantly rural constituency, respectively;

(3) the selection of these constituencies was also based on the considerations of the candidates contesting in the election; and

(4) their criteria for selecting these constituencies was that one may represent such a constituency in which voters are politically more conscious and the other may represent politically less conscious voters.

Cuttack Parliamentary constituency represents coastal Orissa, predominantly urban having voters politically more conscious, and the constituency wherein a straight fight between two important leaders belonging to Congress and Janata was to take place. Deogarh Parliamentary constituency represents Western Orissa, predominantly rural, having voters politically less conscious and the constituency wherein a triangular fight between three important leaders

belonging to the Congress, Janata and C. P. I. parties was in prospect.

Each of these Parliamentary constituencies consists of seven assembly constituencies. An effort was made to collect data from each of the Assembly Constituencies. So, it was decided to select four villages from four Assembly Constituencies of Cuttack as well as Deogarh Parliamentary constituencies. From the remaining three Assembly constituencies of each three towns were selected. Thus from Cuttack Parliamentary constituency three towns, namely, Cuttack city, Choudhuwar and Athgarh and four villages namely Pachhim Kaccha, Narajnarthpur, Jhajia and Uttampur were selected respectively. Likewise from Deogarh Parliamentary constituency three towns namely Brajarajanagar, Jharsuguda and Talcher and four villages namely, Laikera, Jamankira, Nikitimal and Kalla were selected respectively. The study was made in two phases— pre-election and post-election.

While selecting the towns emphasis was given to important towns in the two Parliamentary constituencies and while selecting villages from different Assembly constituencies due importance was given to select these villages which were having a population between 2000-2500 according to the 1971 census and which are significantly represented by the Scheduled Caste, Scheduled Tribe and other castes people. The data were collected from selected voters of these selected villages and towns. No sophisticated sampling technique was adopted while selecting the voters for our study. Investigators were given a specific quota for urban as well as rural areas. In urban areas they were asked to collect information from the voters belonging to different occupational categories such as cultivation, Government service, business, industrial labour and other professions like lawyers, doctors and others. But due weightage was given to collect information from different towns on the basis of their representations. Since Cuttack city is not very well represented by industrial workers, investigators were asked to collect data only from the voters belonging to the occupational categories, namely, business, Government service and other professions. Chowchuwar is mainly an industrial area and therefore investigators were asked to collect data only from the industrial workers of this town. Athgarh is a smaller town than Cuttack and has no industrial workers; so the investigators were asked to collect data from the voters belonging to the remaining three occupational categories. Likewise in Deogarh Parliamentary constituency, Talcher town has more industrial workers so the investigators were asked to contact more voters from industrial workers. Like-wise the case was with the Brajarajanagar town also. Jharsuguda is mainly a business centre; so no information from this town was collected from industrial workers. The investigators, who were sent to collect data from the rural areas, were asked to eollect data from the voters belonging to S. C., S. T., and other castes. No specific instruction was given to them to collect information on the basis of occupation, but they were asked to collect information from the voters from categories each of literate and illiterate, rich and poor, and young and old voters. The investigators, who were made responsible to collect data from town areas, were also instructed to have these criteria in mind while selecting the voters. While sending the investigators to the field to collect data for the post-

election phase, they were instructed to contact as far as possible the same respondents whom they had already interviewed for pre-election study. If some-how or other any respondent contacted earlier was not available, they were asked to replace such voters by the voters having more or less the same characteristics.

General Background of the voters :

For the present study, data was collected into two phases, pre-election and post-election. In pre-election phase, in all 691 voters were contacted from both Parliamentary canstituencies, and 679 voters were contacted in post-election phase. Out of the 691 voters contacted in pre-election phase. 613 (88 72%) were male and 78 (11.28%) were female.

Caste Categories :

The caste category and sex wise distribution of the voters contacted in pre-election study is given in Table No. 1 below

Table No. 1

Showing caste category and sex-wise distribution of the respondents contacted in pre-election phase.

	Male	Female	Total
General	444 (89.7) (72 43)	51 (10.3) (65.39)	495 (100) (71.63)
Seheduled Caste	112 (83.59) (18.27)	22 (16.41) (28 21)	134 (100) (19.4)
Scheduled Tribe	57 (91.94) (9.3)	5 (8.06) (6.4)	62 (100) (8.97)
Total	613 (88.72) (100)	78 (11.28) (100)	691 (100) (100)

Form the above table, it appears that 495 (71.63)voters from general caste categories, 134 (19.4%) from Scheduled Caste, and 62 (8.97%) from Scheduled Tribe. Like-wise, the caste category and sex-wise distribution of the respondents contacted in post election phase can be viewed from Table No. 2.

Table No. 2

Showing Caste category and Sex-wise distribution of the respondents contacted in the post-election phase.

	Male	Female	Total
General	436 (88 26%) (73.23)	58 (11.74) (69.05)	494 (100) (72.76)
Scheduled Caste	102 (83.6) (17.15)	20 (16 4) (23.81)	122 (100) (17.97)
Scheduled Tribe	57 (90.47) (9.57)	6 (9.53) (7.14)	63 (100) (9.29)
Total	595 (87.63) (100)	84 (12.37) (100)	679 (100) (100)

The above table also shows rationally the same percentage of male and female in all the three caste categories.

Out of 691 respondents contacted iu pre-election phase, 376 (54.4%) were from Cuttack Parliamentary constituency and 315 (45.6%) were from Deogarh Parliamentary constituency. The caste category wise distribution of voters contacted in pre election phase from the two Parliamentary constituencies may be viewed from table No. 3 given below.

Table No. 3

Showing Caste-category wise distribution of the respondents from the two Parliamentary constituencies contacted in the pre-election phase.

Caste Category	Cuttack No. & %	Deogarh No. & %	Total No. & %
General	286 (57.78) (76.06)	209 (42 22) (66.35)	495 (100) (71 63)
Scheduled Caste	72 (53.73) ( )	62 (46 27) (19.68)	134 (100) (19.39)
Scheduled Tribe	18 (29.03) (4.79)	44 (70 96) (13.97)	62 (100) (8 97)
Total	376 (54 41) (100)	315 (45.58) (100)	691 (100) (100)

The above table indicates that out of the total Scheduled Tribe voters contacted in pre-election phase (71%) were from the Deogarh Parliamentary constituency. It may be because of the reason that Deogarh Parliamentary constituency consists of more number of Scheduled Tribe population than the Cuttack Parliamentary constituency. A clear view of the distribution of the voters contacted in post-election phase on the basis of their caste of the two Parliamentary constituencies may be obtained from table No 4

Table No. 4

Showing Caste category wise distribution of the respondents from the two Parliamentary constituencies contacted in post-election phase.

Caste	Cuttack No. & %	Deogarh No. %	Total No. & %
General	284 57.49) (76.14)	210 (42.51) (68.63)	494 (100) (72.75)
Scheduled Caste	70 (57.38) (18.77)	52 (42 62) (16 99)	122 (100) (17.96)
Scheduled Tribe	19 (30.16) (5.09)	44 (69.84) (14 38)	63 (100) (9.28)
Total	373 (54.93) (100)	306 (45.07) (100)	679 (100) (100)

Young and Old Voters

While taking into consideration the age of voters, the respondents contacted for the present study were divided into two categories; young and old. Here we have called young voters those who were of 40 years or below in age; and those who have crossed 40 years have been called old voters.

Out of the total 691 voters contacted in pre-election study, 58.2 percent voters were considered as young and 41.8 percent as old on the basis of the criteria given above. The distribution of total respondents in young and old category belonging to the two Parliamentary constituencies is given in table No. 5.

Table No. 5

Showing age wise distribution of the respondents contacted in the pre-election study in the two Parliamentary constituencies.

	Cuttack No. & %	Deogarh No. & %	Total No. & %
Young	219 (58.2)	183 (58.1)	402 (58.2)
Old	157 (41.8)	132 (41.9)	289 (41.8)
Total	376 (100)	315 (100)	691 (100)

The above table shows that in both the constituencies the percentage of young and old voters is almost equal.

The position of the respondents contacted in post-election phase also indicates more or less the same division of young and old voters in both the Parliamentary constituencies as is evident from table No. 6 given below.

Table No. 6

Showing age-group wise distribution of the respondents belonging to the two Parliamentary constituencies

Caste	Cuttack No. & %	Deogarh No. %	Total No. & %
Young	215 (57.63)	186 (60.8)	401 (59)
Old	158 (42.36)	120 (39.2)	278 (41)
Total	373 (100)	306 (100)	679 (100)

Educational Standard :

Looking towards the educational standards of the respondents, it appears that only 34.58 percent of the voters contacted in the pre-election study were having education above 10th class. When the data relating to educational standard of voters belonging to the two Parliamentary constituencies,

Deogarh and Cuttack is taken into consideration, it appears that 30.15 percent of the voters of this category belonging to Deogarh Parliamentary constituency were having education above 10th class, while the percentage of such qualified persons in Cuttack Parliamentary constituency was comparatively more, i. e. 38.30 percent of the total respondents contacted in pre-election study. The detailed description of the educational standard wise distribution of the respondents contacted in pre-election study from the two Parliamentary constituencies may be obtained from table No. 7

Table No. 7

Showing educational standard wise distribution of the respondents contacted for pre-election study in the two Parliamentary constituencies.

Education Category	Cuttack No. & %	Deogarh No. & %	Total No. & %
Illiterate	89	58	147
	(23 67)	(18 41)	(21.28)
1 to 6th class	90	94	184
	(23.94)	(29.84)	(26 63)
7th to 10 class	53	68	121
	(14 09)	(29 84)	(26.63)
11th to below graduation	55	68	121
	(14.63)	(21.9)	(17 94)
Graduation & above	89	26	115
	(23.67)	(8.25)	(16.64)
Total	376	315	691
	(100)	(100)	(100)

From the above table, it is clear that from Cuttack Parliamentary constituency the Graduate voters are 23.67 percent of the total respondents, whereas the perceentage of such voters from Deogarh Parliamentary constituency is only 8.25 percent.

So far as the case of the educational standard of the voters contacted in post election study is concerned, the educational standard of the voters show more or less the same type of trend as it was evident in pre-election cases. A detailed description of their educational standards of the voters contacted in post-election study in the two Parliamentary constituencies may be viewed from table No. 8.

Table No. 8

Showing education wise distribution of the respondents contacted for post-election study in the two Parliamentary constituencies.

Education Category	Cuttack No. & %	Deogarh No. & %	Total No. & %
Illiterate	78	43	121
	(20 91)	(14.05)	(17.82)
1 to 6th class	97	100	197
	(26)	(32.68)	(29 02)
7th to 10th class	58	71	129
	(15.54)	(23.2)	(19.00)
11th to below graduation	47	65	112
	(12.6)	(21 24)	(16.49)
Graduation and above	93	27	120
	(24.93)	(8 82)	(17.67)
Total	373	306	679
	(100)	(100)	(100)

Income

All the voters from whom data was collected were classified on the basis of the annual income of their families into five categories : (1) lower income, (2) lower middle, (3) middle, (4) upper middle and (5) upper income groups. Hereby lower income group we mean the family whose annual incomeis below Rs. 1,000. In the lower middle income group those voters have been put whose families' income is between Rs. 1000-2,000 per annum. Those coming from such families whose income falls between Rs. 2,000 - 5,000 per annum have been called in the present study as persons belonging to middle income group; and those whose income is between Rs. 5,000 - 10,000 per annum have been called as upper middle group. The voters belonging to such families whose annual income is above 10,000 rupees, have been put in upper income group. Looking towards the economic conditions of the families of the voters contacted in pre-election study, it appears that about 2/3 of the voters come from such families whose income is above Rs. 2,000/- per annum and only 1/3 voters come from such families whose income is below Rs. 2,000/- per annum. When this type of data is seen separately among the voters of Deogarh and Cuttack Parliamentary constituencies more or less the same type of ratio is visible in both the constituencies. A detailed description of the economic conditions of the respondents contacted in pre-election study from the two Parliamentary constituencies, Deogarh and Cuttack is given in table No. 9.

Table No. 9

Showing income-wise distribution of the respondents contacted for pre-election study in the two Parliamentary constituencies.

Income Group	Cuttack No. & %	Deogarh No. %	Total No. & %
Below Rs. 1.000/-	55 (14 92)	31 (9.84)	86 (12.44)
Rs. 1.000/- to 2,000/-	110 (29.25)	91 (28.89)	201 (29 98)
Rs. 2,000/- to 5,000/-	101 (26.86)	115 (36 51)	216 (31.25)
Rs. 5,000/- to 10 000/-	63 (16.75)	58 (18.41)	121 (17.51)
Rs. 10,000/- and above	47 (12 52)	20 (6 35)	61 (8.82)
Total	376 (100)	315 (100)	691 (100)

The above table shows that the percentage of the voters whose income is above Rs. 10,000/- is almost double in Cuttack Parliamentary constituency than that of the Deogarh Parliamentary constituency. Not only this, the ratio between the lower income group voters of Cuttack and Deogarh Parliamentary constituencies is almost 3 : 2 respectively.

So far as the case of the economic conditions of the voters contacted in post election study, the same type of trend, as we have seen in pre-election phase, is available. A detailed description of the economic conditions of the voters contacted in post election study may be viewed in table No. 10.

Table No. 10

Showing income-wise distribution of the respondents contacted for post-election study in the two Parliamentary constituencies.

Income category	Cuttack No. & %	Deogarh No. & %	Total No. & %
Below Rs, Rs. 1,000/-	26 (6 97)	34 (11 11)	60 (8 84)
Rs. 1,000/- to 2,000/-	115 (30.83)	73 (23 85)	188 (27.69)
Rs. 2,000/- to 5,000/-	121 (32 44)	124 (40 52)	245 (36 08)
Rs. 5,000/- to 10.000/-	76 (59.84) (20.37)	51(40 16) (16 67)	127(100) (18.7)
Rs. 10,000-/ and above	35(59 32) (9 38)	24(59) (7.84)	59(100) (8.69)
Total	373[54.93] (100]	306(45.07) [100)	679(100) [100]

From this table it appears that the percentage of the voters of the upper income group from the two Parliamentary constituencies is more or less equal. But a very significant difference is visible when we examine the percentage of voters belonging to the lower income group from the two Parliamentary constituencies. In Deogarh Parliamentary constituency the percentage of such voters is a little less than the double of the voters of this category belonging to Cuttack Parliamentary Constituency.

Occupation

All the voters from whom the data was collected in the present study were classified on the basis of their occupation into six categories, namely, (1) Agriculture (2) Business, (3) Factory Worker, (4) Government Servants, (5) Professions and (6) others.

The occupation-wise distribution of the voters contacted in the pre-election study from the two Parliamentary constituencies is given in table No. 11.

Table No. II

Showing occupational category-wise distribution of the respondents contacted for pre-election study in the two Parliamentary constituencies.

OCCUPATIONAL STANDARD

Occupation category	Cuttack	Deogarh	Total
Agriculture	74 (19.68)	93 (29.52)	167 (24.2)
Business	45 (11.97)	40 (12.7)	85 (12.3)
Factory Labourer	40 (10.71)	44 (13.97)	84 (12.2)
Government servant	50 (13.23)	59 (18.73)	109 (15.7)
Professions	39 (10.37)	8 (2.54)	47 (6 8)
Others	128 (34.04)	71 (22.54)	199 (28 8)
Total	376 (100)	315 (100)	691 (100)

The above table shows the nature of the two Parliamentary constituencies. The percentage of the persons engaged in agriculture is approximately 1½ times more in Deogarh constituency than in Cuttack. The predominance of urbanity and rurality in the two Parliamentary constituencies is visible when we compare the percentage of the professions contacted in the two Parliamentary constituencies. The percentage of such voters in Cuttack Parliamentry constituency is 10.37 whereas in Deogarh Parliamentary Constituency it is only 2.54.

The occupational distribution of the voters contacted in the two Parliamentary constituencies in the post-election study may be viewed from Table No. 12.

Table No. 12

Showing occupation- wise distribution of the respondents contacted for post-election study in the two Parliamentary constituencies.

Occupational category	Cuttack	Deogarh	Total
Agriculture	45 (31 25) (12.06)	99 (68.75) (32.35)	144 (100) (21.21)
Business	54 (67.5) (14 48)	26 (32.5) (8.49)	80 (100) (11.78)
Factory Labourer	37 (43.02) (9.92)	49 (56.89) (16 01)	86 (100) (12 66)
Government service	52 (52) (13.94)	48 (48) (15.69)	100 (100) (14 73)
Professional	39 (78) (10 45)	11 (22) (3 59)	50 (100) (7 36)
Others	146 (66.67) (39 14)	73 (33.33) (23.86)	219 (100) (32 25)
Total	373 (54 93) (100)	306 (45 07) (100)	679

From the above table. it appears that out of 144 voters whose occupation is agriculture, 68.75% were from Deogarh Parliamentary constituency. Almost reverse ratio is visiable when we see the persons having business as their occupation. More than 2/3 of such voters belong to the Cuttack Parliamentary constituency and a little less than 1/3 belong to Deogarh Parliamentary constituency. More or less the same trend may be seen among the voters belonging to the other occupational groups such as professionals and others. When we examine this data separately in the two Parliamentary constituencies, we find that in Deogarh Parliamentary constituency about 1/3 voters belong to agriculture, whereas in Cuttack Parliamentary constituency more than 1/3 belong to the occupational category as others.

FINDINGS

Some of the findings of the study are as follows :—

1. Most of the voters were aware of the election process.

2. Most of the voters, though politically very much conscious were not having membership in any political party.

3. Most of the voters who were politically more active belonged to the middle and higher income groups Very few of such voters belonged to the weaker sections of the community.

4 The study indicates that most of the voters are party oriented. This means that while casting votes, they give specific importance to the party and not to the candidate or the issues

5 Most of the voters who were not party-oriented considered honesty and good character of the candidate as the decisive factor for voting in favour of a candidate.

6. Most of the urban voters expressed their view that meetings, radio and news-papers had more influence on the voters, whereas most of the rural voters were of the view that meetings had more influence on the voters than the caste of the candidate and other considerations.

7. In comparison to the old voters, most of the young voters were less influenced by caste consideration.

8. Most of the voters belonging to Scheduled Castes and Scheduled Tribes, have voted for the party in power, i. e. Congress party in the Sixth Lok Sabha election.

9. Most of the voters feel that the parliamentary election is a means to acquire power, it also provides a feeling of equality to the common men, and makes people aware of their importance in national affairs; but at the same time it creates tension among the people. Most of the voters also feel that parliamentary election is a means of solving the problems of the common men and it is not a frace.

10. Most of the voters expected that Janata party would gain majority in the State.

INDIAN LIBERALISM : ANTECEDENTS, OPERATIONS, AND LEGACIES

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In this age of confused semantics and misapplied appelations, the Republic of India is often called a socialist country. But a flat remark like most Indians are socialists requires immediate qualification for Indian socialism is "not uniform in content, nor does it correspond exactly with any particular variety of socialism in the western world" (Neale, 1963 : 49). Some analysts trace the source of this mutant to Gandhi, others to the British Labour Party or the Fabian Society; but certainly the most potent contamination radiated from an antecedent political movement : Indian Liberalism.

Like its socialist analogue, Indian liberalism is not strictly comparable to its western counterpart, either in source, context, or development. Therefore, this essay analyzes the origins, growth, essence, problems, and continuing influence of liberalism in India. In order to highlight the progress of the Indian version, a background model of classical liberalism will be sketched. Then we shall attend to the arrival of liberalism on the subcontinent and the divergencies from the classical model which emerged. The bulk of the analysis will be devoted to politically organized. liberalism, first during its dominion over the Indian National Congress and then its 20th century incarnation in the Indian Liberal Federation. In addition to the substantive and methodological concerns of liberalism, its major advocates will be discussed by personage and by class and its dependency on the British investigated. Before concluding our all-too-brief survey of the liberal movement, we shall consider its continuing influence despite its organizational eclipse.

Classical liberalism had its genesis in the Whiggism of the 17th century, which was modified by the democratic French *philosophes* of the 18th. Both were products of the Enlightenment which sought to emancipate the human mind from the bondage of prejudice, superstition and tradition and instead to rely upon human reason (Suda, 1963 : 7). Locke, the high priest of Whiggism, emphasized civil rights and the liberty of the subject while *les philosophes,* especially Rousseau, laid emphasis on the more fundamental rights of man, like liberty, equality and fraternity. Locke asserted such liberal principles as the natural right to freedom, the limited authority of governments and the liberty of the human consci-

ence, all of which Plamenatz (1965 : 1-9) observes represent the triumph of Reason over medieval faith. Today, with our enhanced understanding of psychology, rationalism that basic postulate of liberalism is not as acceptable as in previous centuries, but it was the *sine qua non* of classical liberalism.

The flowering of English liberalism occured in the 19th century under the aegis of Macauley and especially John Stuart Mill. The Utilitarian movement gave structure to some of its aspects, especially economics and law, but differed sharply from other salient features of classical liberalism. For example, happiness and not liberty was the end of government for James Mill; thus the maxim which later became the slogan of liberals— 'good government is no substitute for self-government'— held little value for him (Stokes, 1959 : 64). Also the English liberals relied heavily on education as "they had no faith in the power of mere human laws to shape conduct and transform character;" but for the Utilitarians, the greatest influence lay in the power of law and government (Stokes, 1959 : 55-56).

The component vectors of classical liberalism depend on two major postulates, namely that individualism and morality must characterize relations between men (Sabine, 1961 : 745). These stress the value of the individual and emphasize the worth and dignity of the human personality. Liberalism admits the right of human freedom and urged human equality; it makes Man, not God, the focal point of attention, thus providing a bedrock of secularism. Above all, liberalism lies embedded in the belief that society exists for the individual and not vice-versa. Therefore the state, the most potent institution of society, is not an organic corporation but exists as a means to develop human personality of each individual. In economics, the state allows maximum scope to human enterprie and provides only the basic framework of stability and honesty— in short, *laissez faire*. But in the educational sphere the state generally has the right of intervention (Stokes, 1959 : 45; and Suda, 1963 : 9-10 and 193). Change under liberalism occurs by non-violence, gradualism, moderation, progress in the Burkean sense of 'insensible degrees,' non-coercive adjustments, and class peace (Prashad, 1966 : 419). Thus, classical liberalism opposes despotic and arbitrary authority in every sphere: it stands for constitutional government, civic rights like worship, petition, property, and participation, and for the basic freedoms of speech and association. In short summary, then, Liberalism comprehends "a belief in the power of reason to regulate the conduct of life, in critical views of dogmatic belief, and in an experimental attitude toward problems in government and society" (Karunakaran, 1962 : 3); its contextual framework implies individualism, freedom of expression, toleration, and equality.

Complementary to the ingestion of India into the British Empire, liberalism began to permeate the imperial domain. In fact, the "liberal current began to assert itself in India at the same time as it did in English political life," Stokes, 1959 : xiv) a phenomenon which perhaps explains

the Indian variations because the basic doctrine was still being formulated in its home territory. In 1813, free-trade enthusiasts withdrew the British East India Company's commercial monopoly in India and threw open the door to proselytization by Christian missions.

Thus the British provided the source of liberal ideas. In the 19th century, the "missionaries of English civilisation in India stood openly for a policy of 'assimilation.' Britain was to stamp her image upon India. The physical and mental distance separating East and West was to be annihilated by... the genius of English laws and English education" (Stokes, 1959 : xiii-xiv). A generation of Indian Liberals was produced who had "knowledge of the democratic thought of the modern Europe and also of the nationalist struggles for freedom which took place in different countries" (Desai, 1959 : 293). These liberals were progressive, not feudal, and had a concern for social affairs which the native princelings lacked.

The first direct onslaught of liberal ideas came in the realm of administrative measures. During the decade of the 1830's when the radical-liberals flourished in English politics, new and liberal measures were introduced into India under Governor-General Bentinck. For example he, along with Macaulay, thought that India would transform herself within a generation if western education were provided and western institutions established (Spear, 1961 : 305). Consequently, on 7 March 1853 the decision was made to introduce English education into India (Griffiths, 1965 : 248). The first efforts at introducing liberalism, however, encountered strong resistance; it came not from the inertia of the traditional order, as might be expected, but from the paternalist school who desired "to conserve the original institutions of Indian society rather than to construct that society anew." These administrators "possessed all Burke's horror at the wanton uprooting on speculative principles of an immemorial system of society, and shared all his emotional kinship with the spirit of feudalism and the heritage of the past" (Stokes, 1959 : 18 an xvi).

The real key to effective penetration, of course, lay in education. Even the missionaries saw in education "the least obtrusive method of evangelizing, the least likely to create any social or political disturbance. It would 'silently undermine the fabric of error,' and by restoring to the inhabitants the use of their reason would in itself work a great moral revolution" (Stokes, 1959 :32). Macaulay saw clearly enough that the introduction of English education and western ideas would inevitably inspire Indians to seek political power in their own right—and he welcomed this future transition with all the exhuberance of the optimistic classical liberal (of Stokes, 1959 : 45-47, and especially the speech by Charles Trevelyan, Macauley's brother-in-law, for a tremendous oratorical statement to this effect). In the 1820's, even before the Bentinck innovations, young Indian civilians had been exposed to Benthamite ideas of free trade, efficient government, rapid modernization, and other reform ideals at the East India Company's College at Haileybury (Stokes, 1959 : 52). And Bengali students at the

Hindu College of Calcutta had been contemporaneously exposed to the concept of national liberty by Henry Louis Vivian Derozio, a "half-caste Portuguese" (Majumdar, 1963 : I, 324). Since the leading thinkers of Europe and particularly Britain had 'an exaggerated respect for the virtues of representative government, right from the start of their new political consciousness Indian students were to assume the universal validity of the principles of parliamentary government." Griffiths, 1965:254). But concommitant with this exposure to western ideals came doubts in the contemporary Indian mind about the value of indigenous institutions and ideas on the whole gamut of religious, social, and political fronts.

From these doubts sprang the Indian Renaissance which had two branches, one seeking a religio-national revival along Hindu lines and the other evincing "a certain disregard for the past and a spirit of revolt from the time honoured and traditional beliefs of the country." (Sitaramayya, 1935 : 20). Chronologically, the second of these was first and has the greatest import for liberalism in India. Its chief exponent was Raja Ram Mohan Roy who indeed was the "first Indian to voice the grievances of his country before the British authorities" (Majumdar, 1963 : I, 313). In 1823, Roy petitioned the Governor-General and the King-in-Council about restrictions on the press; in the petition's words. "to aspire to distinction in the world of letters and to exercise the liberty of the Press with a moral and intellectual improvement [is] of far more value than the acquisition of riches or any other temporal advantages under arbitrary power" (Griffiths, 1965 : 250-251).

Ram Mohan Roy sought a synthesis between Hinduism and the liberal West. and in so doing demonstrated that "it was possible to agitate for liberal democracy without ceasing to be an Indian" (Edwards, 1961 : 267). In 1828 the Raja founded tbe Brahma Sabha which provided inspiration for the later Brahmo Samaj (Sovani, 1965 : 323). Roy concentrated on social reforms, among the most famous of which was the abolition of *suti* or compulsory widow suicide, and dealt primarily with the religious sphere. Nonetheless, he provides a clear example of the dependency on the British that all early liberals evinced. In his 'Final Appeal to the Christian Public,' he thanked the universal God for "having unexpectedly delivered this country from the long continued tyranny of its former rulers and placed it under the Government of the English, a nation who not only are blessed with the enjoyment of civil and political liberty, but also interest themselves, in promoting liberty and social happiness as well as free inquiry into literary and religious subjects, among those nations to which their influence extends." (Goyal, 1964 : 14). This tendency to recall the undesirnble social conditions immediately preceding the British expansion and to flatter the British for their national traits would characterize liberals for nearly a century.

As a result of the self-introspection stimulated by exposure to western ideas, Indians began to organize associations to rectify the faults they perceived in the indigenous culture and society. They began in Bengal which at that time led intellectual India. Nearly two decades after the founding

of Roy's Brahma Sabha. Debendranath Tagore founded the Brahmo Samaj in 1845. It was, as Griffiths observes, "the first great spiritual result of the impact of the West and it contained within itself the promise of political development" (Griffiths, 1965: 252). In subsequent years under the leadership of Keshub Chandra Sen, the Brahmo Samaj "proclaimed a new gospel of personal freedom and social equality, which reacted very powerfully upon this infant national consciousness and the uew political life and aspirations of young Bengal" (Majumdar, 1963 : I, 328). Even as early as 1838, "the most sanguine among the educated Bengalis were looking forward to the establishment of a representative assembly" (Sovani, 1965 : 323) and the Samaj added fuel to that fire.

Keshub Chandra Sen and his followers sought extensive social reforms in the 1860's, reforms so extensive that in fact they were compelled to leave the Brahmo Samaj and form a new group. But despite their radical aspirations, they believed first and foremost in orderly change; they adhered to the technique of agitation via petitions to established authorities. (Edwards, 1961:319). Again we can detect another facet of Indian liberalism, which would continue up to and beyond the grant of national independence. Because of its exclusively western nature, the Samaj did not capture the imagination of India as a whole and the second branch of the Indian Renaissance commenced with the founding of the Arya Samaj. The latter society, with its roots deep in the indigenous soil and its explicit rejection of relying only on western ideas, proved to be much more successful. The relations between the Brahmo and Arya Samajs provided, as we shall see, a clear analogy to the relationship of the Congress Moderates (read : constitutionalist liberals) to the Congress Extremists (read : nationalist liberals).

Without engaging in a person-by-person analysis of early liberal thinkers and activists in Bengal we can summarize their perspective on the changes desirable in the traditional society. The keynote of the era was a concern for social reform and social mobility. It is significant to recall that the British conquest of India had almost completely annihilated the old leadership or reduced it to the posture of pawns; its place had been taken by the English-educated intellectuals, usually Brahmins, who themselves drew on the ancient Indian tradition of Brahminical intellectualism. Spear quite convincingly argues that these liberal reformers were at first more the product of British political moves against the old elite than of British education. The dominant Indian classes, which could have easily blocked the Indian liberals' climb to prominence, were gone while the liberals themselves were "for the most part men in modest positions in society though of good caste status The order of class development was, first, money through service and finance. then the adoption of Western externals, and then the interchange of Ideas" (Spear, 1961 : 298-299). Perhaps the classic example of this process are the Parsis of Bombay, although it also applied to landowners, merchants, subordinate government officials, and especially the professionals like lawyers and journalists. Their association with the British provided a language which

permitted full and free inter-group communication, which lead to the adoption of a shared set of social values, and in turn to democratic and nationalistic ideas,

The quest for social reform was as much Burkean Whiggism as radical liberalism. For the Indian Liberals relied on "liberty growing from precedent to precedent" rather than its emergence as natural right (Prashad, 1966 : 412, and Suda, 1963 : 177). The fear undoubtedly existed that radical attempts to claim and seize natural rights contained far too much potential for leading to that political instability prevalent in the 18th century as the British moved in. The incremental approach of precedent assured a more secure and stable society, even at the cost of rapid advance.

Furthermore, some prominent liberal reformers argued that not all of the past was undesirable. Justice Mahadev Govinda Ranade, for example, wrote : "We cannot break with the past altogether; with our past we should not break altogether, for it is a rich inheritance, and we have no reason to be ashamed of it .. While respecting the past, we must seek to correct the parasitic growths that have encrusted, and sucked life out of it" (Buch, 1940 : 125). Thus Indian Liberalism overflowed from the sphere of social and religious reform into that of politics (Suda, 1963 : 193). For a direct application of liberal principles to the political sphere, we must await the activities of Dadabhai Naoroji, Surendra Nath Banerjea, and Pherozeshah Mehta, but political goals were implicit in the reformism of Roy and Ranade. Prime among them was the haman equality explicit in classical liberalism; the petitioning of established authority proceeded assumption that the petition bearers were subjects equal in status to any Englishman with a similar cause. Also. as expressed by Ranade, there was a desire to be consulted about Indian affairs and, under tutelary arrangements, to participate in them. For primary among the progressive values apothesized by British liberals was the superiority of parliamentary democracy over any other form of government (Karunakaran, 1962 : 92-93). Among the educated the rather naive assumption that parliamentary institutions were inevitable steadily grew. "As British ideas on education and political policy increasingly took hold of their minds, Indians began to assume that the lines of political advance already marked out in Britain would automatically be followed in Britain would automatically be followed in India. Not until towards the turn of the century were the various important implications of this assumption fully considered or understood either in England or India" (Philips, 1962 : 27).

In most features of classical liberalism, then, the Indian version was consistent with the European template. But two differences stand forth. One already suggested was the reliance of Indian liberals on the achievement of their rights as British subjects rather than on their status as men with natural rights. The second is that, unlike their British mentors, Indian liberals never advocated *laissez-faire* economics. Most probably this dtvergence issued from the classical Indian political theory that the involvement of the state in economic affairs was a government duty (Shrimali, 1965:756).

The *Arthasastra*, for instance, dealt with this subject at length. As would be expected, the East India Company neglected massive public involvement, except for investments like canal construction which promised increased revenues. Indian liberals reasserted this theme of government intervention with the qualifier that its reinstatement was for the development of the individual and not just the stability of the state, as it had been in ancient times

Liberalism in India reached its apogee with the formation of a political organization later to be recognized as the spokesman for the entire nation : the Indian National Congress In the thirty years before the First World War, liberals controlled this organization although the seeds were simultaneously being sown for their eclipse Quite before the advent of the INC, however, the Indians and the British had commenced organized political dialogues. The Mutiny had, of course, dampened some of the British liberal's optimism about advances in India for he could not differentiate clearly the last throes of a dying elite from the first kicks of a healthy brood. Consequently governmental measures for accelerated Westernization languished proportionate to the declining faith in Indian transformation. Such increasing British reluctance only excited the Indians to make greater efforts toward liberalization and westernization. Some, of course, like Ranade urged greater emphasis on social reform and economic improvements before attempting political advances; others pursued a more explicitly political approach.

In pursuit of the resolution of common problems and grievances, Indians of stature founded important organizations such as the Landholders' Society, the British-Indian Association and the Indian Association in Bengal; the Bombay Presidency Association and the Jagannth Sankerseth in Bombay; the Sarvajanik Sabha in Poona; and the Native Association and the Mahajan Sabha in Madras (Desai, 1959 : 295; Majumdar etal, 1935 : 448 and 462; Grover and Sethi, 1963 : 4; Griffiths, 1965 : 255; Kaushik, 1964 : 8; and Spear, 1961 : 307). Some of these fledgling political associations formed, for the most part, by Indian liberals— preceded the 1857 Mutiny, at whose outbreak "the British Indian Association passed a resolution expressing disgust and horror trusting that it would meet with 'no sympathy, countenance or support from the bulk of the civil population'" (Griffiths 1965 ; 259). But the majority came in the 60's, 70's and early 80's and their cumulative object lesson was to demonstrate that Indians could combine and unite to attain political goals. In particular, some organizations like the Indian Association stood for national unity, a united India; and it was generally successful throughout the country in gaining recognition for this plea. The unity, of course, was expressed by— and for all practical effects existed only among— members of the British educuted and/or trained emergent middle class; but the point was still made.

At the same time, the desire of the British Raj to curtail Indian political activities found form in the enactments of

the Vernacular Press Act of 1878, and the Arms Act of 1879. Furthermore, when in 1877 the age limit for the Civil Service Examinations— which had to be held in England— was dropped from 21 to 19, it became apparent that the British intended to limit severely the number of Indians in the imperial services. It was within such a context, where the British feared the Indians while the Indians sought only to take the British at their word, that a preparatory National Conference was held in Calcutta in 1883, which led to the founding of the Indian National Congress.

From 1880 to 1884, during a brief period of Liberal supremacy in England, the imperial viceroy was a generous and sympathetic peer, Lord Ripon. Even after his nigh-forced retirement after the controversy aroused by the infamous Ilbert Bill, the Indian liberals surged forward. Although they 'perceived that the administration as a whole was against them, ... they also felt that a strong tide of opinion in Britain was on their side" and waiting ro be tapped (Spear, 1961 : 308). Therefore, in December of 1885 seventy lawyers, journalists and educators met in Poona and formed the Indian National Congress, destined in time to become the vehicle of national independence. While Bengal had been the first Indian region to respond to western ideas and challenges, "the [early] Congress was largely a movement of western India, centering about Poona, Bombay, and Gujerat and including, at times, the Punjab and United Provinces to the north" (Brown, 1961 : 27) Under liberal dominion of 30 years. the INC remained a perennial 'three days wonder;' it would not be until the Besant presideney of 1917 that the Congress became a year-round organization, an innovation thereafter institutionalized in Gandhi's revised constitution of 1920 (Kaushik, 1964 : 30-31 and 35).

At its inception, the goals and duties of this truly national liberal organization were quite clearly delineated, In addition to the role of 'safety-valve' envisioned by A. O. Hume, "it was the intention of (the Viceroy) Lord Dufferin that the Congress should perform the function of His Majesty's Opposition" (Natarajan, 1947 : 5). For its part, the First Congress issued a circular announcing its aspiration to "form the germ of a native Parliament [which], if properly conducted, would constitute in a few years an unanswerable reply to the assertion that India was still wholly unfit for any form of representative institutions" (Pole, 1932 : 18 and VSS, 1910).

The approach to the formation of the INC was not systematic nor did those who established it display any evidence of tightly integrated, coherent systems of thought. But they did have views on the political issues and controversies of their time and, as Sabine observes, political theories "are produced as a normal part of the social milieu in which politics itself has its being" (Sabine, 1961 : v), Thus, as we cursorily survey four of the most outstanding liberals of this period, we should not expect to find the theoretie and justificatory statements of professional philosophers but a keen concern for practical issues and tactics of the day.

Mahadev Govinda Ranade was a judge under the Bombay Government and thus under charge not to take part in politics. But this official requirement meant little anyway for Ranade's first sympathies as a liberal lay with socio-economic reform rather than politics. He "devoted himself to the social and economic uplife of the country .. [and] advocated a vigorous policy of industrial and commercial development" (Majumdar, 1963 : I, 349-350). As previously discussed, a Burkean flavor of social reform existed among the Indian liberals; and Ranade was a prominent exponent of such views. Indeed, the following excerpt suggests that he was more Whig than liberal :

> You are unconsciously influenced by the traditions in which you are born, by the surroundings in which you are brought up, by the very milk which you have drunk from your mother's breast or influenced by those things in the world which you cannot disown (Goyal, 1964 : 16).

But, despite his reliance on the Indian inheritance which he visualized as requiring purification but not rejection, he was adamant upon the point that progress of any nature— social, economic, or political— could never occur without reconciliation between Hindus and Muslims. In *The Key to Progress*, Ranade lauded Akbar's *Din-I-Ilahi* for its advocacy of "joint action from a sense of common interest and a common desire to bring about the fusion of the thoughts and feelings of men so as to tolerate small differences and bring about concord..." (Brown, 1961 : 55). Interestingly enough, Ranade strikes an existential posture later in *The Key* when he says the goal sought is "not any particular advantage to be gained in power and wealth .... [but] is represented by the efforts to attain it, the expansion and the evolution of the heart and the mind which all make us stronger and braver, purer and truer men" (Ibid : 56). To gain such higher order existence, however, Ranade recognized the need for organization to overcome "our own weak selves [of] which nothing is more fatal to our individual and collective growth" (Ibid : 57). Reliance on organization wss for the Indian liberals, as with any practical politician, the only effective way to gain a given end.

Surendra Nath Banerjea represents the continuity with the social reform movements of the first Indian liberals and the direction in which even the most patient and compromising Indians were pushed by nearsighted and repressive measures of the Raj. As a member of the Brahmo Samaj, he channeled its spirit of freedom from social and religious spheres into decidedly political channels (Majumdar, 1963 : I. 345). He was educated in England and deeply familiar with Mazzini's conception of a unified Italy. After playing an instrumental role in the 1876 merger of the Bengal Landholders' Society and Calcutta British-Indian Society, which produced the staunchly liberal Indian Association, he undertook a very successful tour of India to promote "the awakening of a spirit of unity and solidarity among the people of India" (Griffiths, 1965 : 262) and to excite popular action against the lowering of the civil service examination age requite-

ment in 1879 (it was announced two years before it was effected).

Banerjea represents most clearly the frame of Indian nationalism which underpinned the liberal movement and which was almost totally camouflaged by the 'prayer and apologetic language' of the petitioner syndrome. As Congress president in 1895 and 1902, he "believed strongly in the permanency of British imperial power because of the benefits of English civilization;" he called it "the noblest the world has ever seen,.,. a civilization frought with unspeakable blessings to the people of India" (Brown. 1961 : 15). Yet he was not blind to British failures; as he said in 1892 with considerable understatement :

> We are the citizens of a great free Empire and we live under the protecting shadow of one of the noblest constitutions the world has ever seen. The rights of Englishmen are ours, their privileges are ours, their constitution is ours. But we are excluded from them (Sitaramayya, 1935 : 169).

Three years later at the Poona Congress of 1895, Banerjea declared that the Congress had never asked for representative institutions for the masses but "representative institutions of a modified character for the educated community, who by reason of their culture and enlightenment, their assimilation of English ideas, and their familiarity with English methods of government might be presumed to be qualified for such a boon" (Grover and Sethi. 1963 : 302). Considering the class orientation of the liberals, which we shall shortly discuss, this statement is consistent with his earlier statement at the 1886 Calcutta Congress that "every nation must be the arbiter of its own destinies—such is the omnipotent fiat inscribed by Nature with her own hands and in her own book" (Sitaramayya, 1935 : 102). Nevertheless, despite the explicitly stated admiration of the English political society and the implicitly felt faith in British intentions, Banerjea amply demonstrated that the Indian liberals were not passive, toothless government pets. After Lord Curzon had divided Bengal, he organized the first swadeshi movement which meant 'buy Indian and boycott foreign' goods. Such active agitation against the established authorities transformed the Congress from a collection of groups into a definite party and turned the middle class into a nascent nation rather than a collectivity of Individuals (Spear, 1961 : 319).

In addition to Banerjea's activities on the home-front, the 'grand old man of India,' Dadabhai Naoroji carried the battle to the Empire's heartland. He, too, was educated in Britain and spent his first three years there from 1855 to 1858"when such great figures as Gladstone, Cobden and Bright were breathing a new spirit of liberalism into British politics [and] such authors as Herbert Spencer, Mill, and Carlyle were revolutionising society with new theories of social reconstruction" (Griffiths, 1965 : 260). As a Parsi of Bombay, he was ' perhaps naturally more understanding of Western institutions than the Hindus, with their accumulated Eastern heritage" (Brown, 1961 : 29) but he exuded a universal appeal and popularized

his knowledge. He won the recognition and plaudits of the English as well as of his Indian colleagues and in 1891 was elected to the House of Commons as a Liberal M. P. from the Finsbury constituency. There, according to his biographer, he "[educated] the British on their responsibilities in India and [demonstrated] to them by relentless statistics and remorseless logic how India was being bled under the prevailing system of administration" (Masani, 1939 : 9; Sitaramayya, 1935 ; 83 85).

Throughout the mid-19th century, there was a constant assumption by Indians that "Britain and the British people [were] more liberal and magnanimous than their servants in India" (Griffiths, 1965 : 258). Not surprisingly, therefore, Naroji along with Banerjea and Gokhale believed the most effective instrument at their disposal was to "create and mobilize public opinion in the country [both in the UK and in India] in support of their demands" (Suda, 1963 : 180). As Majumdar concludes, "[Dadabhai Naroji] was the most distinguished member of the small band of Indians, who made England their center of activity for the political advancement of India by awakening the consciousness of the British people to their sense of duty towards India and appealing to their democratic instincts and liberal principles" (Majumdar, 1963 : I, 384).

Just as the early liberal reformers concentrated on socio-economic issues the first Congress sessions shied away from them. Naroji said in 1886 : "A National Congress must confine itself to questions in which the entire nation has a direct participation, and it must leave the adjustment of social reforms and other class questions to class Congresses" (Kaushik, 1964 : 22-23). Of course, some relevant socio economic resolutions were passed, especially on revenue collection and expenditure, "yet it will be too much to say that the Congress, in those days, had any systematic economic ideology or programme. All that it did was to ventilate certain economic grievances of the people and no more" (Ibid). This consensual deemphasis of economic affairs had the added advantage of forestalling most inter-member conflicts of economic interests which assuredly existed in the Congress ranks. Even among the liberal members of the Congress up to 1900 there were conflicting economic interests in the organization, e. g. the Bengali landlords vs. the Bombay merchants; but by ignoring economic issues they could cooperate on Indianization of the Civil Service, on demanding representative institutions, and on decrying the imperial exploitation of India. It was perhaps appropriate that the arch-liberal Naroji should have been the first to raise the slogan of 'Swaraj' from the Presidential platform in 1906; by Swaraj, he said, he meant self-government 'like that of the United Kingdom or the Colonies' (Griffiths, 1965 : 295), But the extreme nationalists were to phrase it somewhat more strongly.

The embodiment of the Liberal approach was best found in Gopal Krishna Gokhale, the social-service oriented man who Gandhi once sought as his guru. He fully accepted Swaraj as the goal but approached it through the council chambers with

the resources of reason and persuasion. In 1905 he said :

> The minds of the people have been familiarised with the idea of a united India working for her salvation; a national public opinion has been created; close bonds of unity now knit together the different provinces; caste and creed separations hamper less and less the pursuit of common aims; the dignity of consciousness of national existence has spread over the whole land. (Speeches, p. 11).

Gokhale was the natural extension of Ranade's concern for social and economic progress, of Banerjea's efforts toward national unity as well as criticizing the government, and of Naroji's emphasis on transforming public opinion and concentrating on the political sphere.

Gokhale took his first lessons from Ranade and "Liberalism was the watchword of his public life" (Goyal, 1965 b ; 14). He often quoted his avowed master's words that the spirit of liberalism suggested "a freedom from race and creed prejudices and a steady devotion to all that seeks to do justice between man giving to the rulers the loyalty that is due to the law they are bound to administer, but securing at the same time to the people the equality, which is their right under the laws" (ibid). He also gained from Ranade the insight that economic matters have great significance for political affairs, a posture which found explicit expression in his presidential address of 1905 (Philips, 1962 : 157-158). Furthermore, Gokhale was like Ranade a Burkean in his moderation and acceptance of the benefits of historical fate, although he was no conservative. "Gokhale insisted as did Burke that no progress is possible without order and stability. It was on this argument that he realised the necessity of the British connection and the usefulness of the British Bureaucracy which alone stood for order in the country at that time, till the country was able to find out its own alternative system of order and stability" (Goyal, 1965 b : 12)t

Gokhale was a classical liberal in the sense of adhering explicitly to the concept of individual liberty James Mill may have attacked this 'Natural Right' but his son restored liberty to the liberal philosophy and Gokhale taught the younger Mill's doctrine at Poona's Fergusson College. But again like Burkean Whiggism, liberty for Gokhale was a balance of order with unrestrained freedom; this philosophic formulation took concrete embodiment in his Servants of India Society which had strict rules of conduct to make its impact more effective. As a classical liberal, Gokhale not only believed in individual liberty with appropriate but minimal social restraints, but also in the right to property and the freedom of contract. Likewise, he emphasized representative institutions although he did not urge universal sufferage; instead he relied on the educated to act as spokesman for popular interests (Goyal, 1965 b : 45-54). Even so, he advocated in his presidential address of 1905 a gradual training of the people toward self-government, a trait he shared with that prince of liberals, John Stuart Mill (Philips, 1962 : 158-159. Only on

the issue of state intervention in economic and social affairs did Gokhale follow his mentor Ranade rather than classical liberal doctrine; for effective industrial development, agricultural prosperity, and social reforms in India, he believed it essential that government play an active role.

Not unexpectedly, Gokhle's assessment of contemporary political realities differed sharply from that of Tilak and other extreme nationalists. He once said :

> There is no alternative (sic) to British rule, not only now but for a long time to come, and any attempts made to disturb it, directly or indirectly, are bound to recoil on our own heads. But the attainment of a democratic form of Government is bound to be a slow and weary affair— it must depend upon the average strength in the character and capacity of our people taken as a whole— and our average today is far below the English average. The most important work before us therefore now is to endeavour to raise that average (Majumdar, 1963 : II, 181),

Thus, he could simultaneously declare against open boycott of British goods and advocate Swadeshi. The latter, however, was not interpreted as mere Khadi manufacturing but as increases in capital, skill, enterprise, and indeed factories. In these developments he believed the state ought play a protective role for fledgling industries, but otherwise the best progress could be obtained via entrepreneurial freedom— the closest he ever came to laissez faire. Such an interpretation of political reality did not hinder Gokhale from levelling severe criticisms at the regime; like Banerjea, he had the courage to articulate criticisms of the British Raj, particularly its more flagrant abuses, and to propose ameliorative reforms. At the 1905 Banares session, for example, he scored the Government of India for "its utter contempt of public opinion, its arrogant pretensions to superior wisdom, its reckless disregard of the most cherished feelings of the people, its cool preference of service interests to those of the governed;" at that time he also asserted self-government and not simply good government to be the Congress' goal— the watermark of the authentic classical liberal (Goyal, 1965 b : 5).

Gokhale's greatest renown probably stems from his performance in the 1892 Imperial Legislative Council where his "persuasive oratory and grasp of political and financial questions won the respect of British officials, gained wide publicity for the Congress, and put it, as it were, on the official map" (Spear, 1961 : 315). But his concern with politics was not at all confined to verbal manipulation. Perhaps above all else— and here his attractiveness to Gandhi becomes manifestly obvious— Gokhale sought the spiritualization of politics. As with Gandhi, "the principle of the purity of means was . very much implicit in the political thought of Gokhale" (Goyal, 1965 b : 18). Of course, such spiritualization was not in the domestic sense of Hindu revivalism and religious bakhti, but rather represented efforts to make politics ethical and moral. As Suda notes of him and many other liberal greats of India, they all perceived a "close

and intimate connection between morals and politics,..," (Suda, 1963 ; 185). Again, we have another strain of the classical liberal refrain.

Lest Gokhale's merit as a liberal should appear to have no bounds, several of his serious errors deserve mention as well. Perhaps the most serious indictment is his seemingly utter dependency on Pherozeshah Mehta for all tactical moves. Paraphrased, he was once known to say he would rather be wrong with Mehta than right without him. Interestingly, Mehta was not present at the 1905 Banares Congress where Gokhale orated in a mildly extremist vein. At several critical junctures in Congress history, he contravened his better judgment to follow Mehta's advice. For example, only after Mehta's urging did Gokhale agree to force the Extremist/Moderate split at Surat, and Mehta also stymied Gokhale's attempt to reconcile the two wings in 1914; again he literally prevented Gokhale from joining a homerule league the following year (Goyal, 1965 b : 10). Our argument is not to slander Pherozeshah Mehta who, in his own right, was an outstanding Moderate although perhaps the Congressman most intimate with the British; rather it is to point out Gokhale's occasional tendency to follow minds other than his brilliant own. Despite his undoubtedly deep attachment to Indian unity, the 'doyen of Indian Liberals' also erred gravely in urging special separate electorates for communal minorities in order to redress any potential electoral bias. Though these separate electorates were heavily qualified, they did open the door a crack toward full communal representation, an event which eventually occured in the 1909 Councils Act (ibid : 51-54). Finally. Gokhale like any human politician occasionally misjudged political situations grossly. After his 1906 return from England he said, "a strong current has already set in there against that narrow and aggressive imperialism which only the other day seemed to be carrying everything before it" (Majumdar, 1963 ; II, 202). The human tendency to reduce cognitive dissonance is apparent but, as we shall shortly observe about British involvement in the liberal movement, Morley and others upon whom Gokhale based his hopes were playing a double-game.

M. K. V. Rao contends that "the Liberal Movement was primarily political in origin and represented a revolt against the oligarchy of the privileged classes" (Rao, 1951 : 277). In the sense of replacing the pre-British elite, this was doubtless true but throughout the XIXth century the liberals were essentially an upper class, upper caste club— the latter by birthright and the former by cooperation with the British. What came to replace the disinherited indigenous oligarchy was another oligarchy of the intelligentsia. the upper stratum of the educated classes and the commercial bourgeoise who, to paraphrase Macauley, were English in all but blood and color. Not surprisingly, the Congress' ranks showed a dearth of native princelings; their reaction to the unsettling ideals and proposals of the liberals culminated in 1888 with the formation of the United Indian Patriotic Association. (DeMello, 1934 : 15). Its effect, however, was negligible and the liberals were to face their most serious opposition within the Congress itself.

A charge not infrequently brought against the Indian liberals was their undemocratic urge to monopolize power, Indeed, as suggested earlier in Bannerjea's 'boon' speech of 1895, the liberals' theme

was that "the aristocracy of intellect constituted the leadership of the nation and was to be the beneficiary of political power; the masses lacked political capability" (Prashad, 1966 : 416). Such sentiments demonstrate once again the whiggish nature of Indian Liberalism and also explain why liberals place so much emphasis on education and state intervention to achieve it. But, even though they clearly did advocate a monopoly of political power by those qualified, the liberals did so openly and boldly without resort to subterfuge or camouflage. Pherozeshah Mehta said :

> The Congress was indeed not the voice of the masses, but it was the duty of their compatriots to interpret their grievances and offer suggestions for their redress (quoted in Grover and Sethi, 1963 : 301).

And another Indian Liberal, R. C. Mitra, said in his 1896 reply to Lord Dufferin's scoff that the Congress was only a 'microscopic minority' and thus deserved little attention ;

> The educated community represented the brain and the conscience of the country, and were the legitimate spokesmen of the illiterate masses, the natural custodians of their interests... In all ages those who think must govern those who toil (quoted in Edwards, 1961 ; 322).

Since in 1885 the educated middle class of India numbered only about 55,000 out of nearly three-hundred millions, the liberal stance was not a populist one.

Furthermore, like the earlier relationship of reform and revivalist movements, the moderate liberals had no roots in the native soil and hence were less democratic than the extreme nationalists (Karunakaran, 1965 : 99), Property requirements contributed their influence to the distance between the liberals and the Indian people. "The liberal conception of liberty involved a faith in fellow human beings, who were sensible and were possessed of property; and this excluded the vast mass of individuals who had no property, and thus were incapable of achieving their true destiny" (Rao, 1951 : 353), Thus we safely conclude that, while the liberals believed in democracy, their belief involved the constraining qualifications of education, training, and property.

The first grave threat to liberal hegemony came from a progressive—or, as some would have it, reactionary— group of Congressmen led by Bal Gangadhur Tilak. Because these nationalists spoke a language somewhat less polite or apologetic than the normal mode of expression dictated, they were dubbed Extremists. The mainstream of Indian liberals were, in comparison, labelled Moderates due to their "indefeasible faith in moderation" (Prashad, 1966 : 418). At this juncture the semantics of the period and our continuing lack of precision introduce

an element of confusion into any discussion, analytic or otherwise. The so-called Extremists demonstrate a correspondence to the Moderates on most substantive goals and differ mainly on the techniques suggested to reach them and the perception of contemporary political realities; both moities deserve the appelation 'liberals' although the earlier version remained Whiggish while the latter trended toward more radical or revolutionary liberalism.

A major point of dispute was the source of the Indians' right to liberty. Whiggist liberals like Banerjea held, it may be remembered, that their claims to rights issued from their status as British subjects. As with Burke, liberty was conceived as the heritage of an unbroken continuity with the concrete social gains of generations past; as with the Utilitarians, "there was no room for the theory of natural rights in the political thinking of the Liberals" (Suda, 1963 : 182). But the Extremists drew inspiration from Locke's concept of natural right as it found expression in *les philosophes*; liberty of men existed as part of the natural order and even without historical precedents claims could be laid to it. Tilak's famous slogan 'Swaraj is our birthright and we shall have it' presents the acme of this philosophical posture. This slogan with its populist implications penetrated deep into the masses as the earlier moderate liberal doctrine had never done; it "struck a deeper chord in the breasts of the Indian youth and roused them to greater self-sacrifice than the pathetic dependence of the Liberals upon the British sense of justice and fair-play" (ibid : 190).

(to be continued)

WHO CONSTITUTE THE WEAKER SECTIONS ?

Dr. B. L. Garg*

NOW A DAYS there is a lot of talk about the weaker sections of society. Since the proclamation of emergency in 1975 it has become the catchword of Indian politics, Every one appears to have become the promoter of their cause. But no one has clearly spelled out as to who constitute the weaker sections. Like 'socialism' and 'democracy' the term weaker section also connotes different things to different people.

As far as Indian Constitution is concerned, there is only one Article wherein this term has been used. The Constitution makers have directed the 'State'[1] to "promote with special care the educational and economic interests of the *weaker sections* of people, and in particular, of the Scheduled Castes and the Scheduled Tribes" and also to "protect them from social injustices and all forms of exploitation."[2]

Strangely, the Constitution nowhere gives the exact meaning of the term weaker section. Does it mean those people who are weak educationally or economically or does it refer to the weakness caused due to social disabilities, physical handicaps or mental underdevelopment ? The Constituent Assembly Debates also do not throw any light on it. Though Sardar Hukum Singh referred about this lacuna in his speech[3], nothing was done to clearify the position.

The Judiciary also referred to this term in a number of cases[4] but nowhere did it try to give its precise meaning. In fact, throughout their discussions they appear to have confined themselves to the Scheduled Castes and the Scheduled Tribes thereby conforming the fear of Sardar Hukum Singh expressed in the Constituent Assembly, While speaking on Article 37 of the Draft Constitution, which later on became Article 46 of the Constitution, he had expressed his apprehension that in actual practice "the whole attention would be directed to ... 'Scheduled Castes' and 'weak sections' would not mean anything at all."[5]

If we look to other sources to find out the meaning of 'weaker sections' we find that the term occurs in the Irish Constitution. Section 45 of the Irish Constitution of 1937 provides that "The State pledges itself to safe-guard with special care the economic interests of the weaker sections of the community, and, where necesssary, to contribute to the support of the infirm, the widow, the orphan and the aged."

Even a cursory glance over this provision makes it clear that the term weaker

section in the Irish context appears to refer to the 'physical and economic' weakness which could not be tha intention of the founding fathers of our Constitution because they made a separate provision for such a weakness. Article 41 of the Indian Constitution directs the 'State' to make effective provision for securing, inter alia, the right to public assistance in cases of "unemployment, old age, sickness and disablement and in other cases of undeserved want."

Similarly, the term also occurs in the report of a Study Group, appointed by the Ministry of Community Development and Co-operation, in December 1960.[6] The group felt that "the term 'weak', with all its degrees, refers both to economic and social (caste, education, etc) weakness"[7] and accordingly treated the following categories as constituting the weaker sections :

a) Families who have uneconomic land holdings;
b) Landless labourers;
c) Other labourers;
d) Village artisans and workers engaged on small crafts, fishermen, tanners. 'talies', potter, basket makers. etc;
e) Groups forced by historical and other reasons to live in backward and unproductive regions and not adjusted to modern economic life such as Scheduled Tribes;
f) Sections of the Village Community, such as Scheduled Castes, who on account of special circumstances are forced to engage themselves in hereditary occupations, which are not very remunerative and entail risks in matters of health and sanitation and who are also subjected to low status, the 'lowliest and the lost';
g) Sections who are weak economically though their social status may be high;
h) Women;
i) Nomadic tribes living on mendicancy, small trades, etc.; and
j) Destitutes, e. g , widows, orphans, old people, unemployed persons with no means of livelihood, physically handicapped, members of Ex-Criminal Tribes, etc [8]

Now, if we scrutinise these categories, we find that they cover a vast bulk of population. On economic basis alone, the Group calculated that 80% of the rural households get an annual income below Rs. 1000/-, 50% below Rs. 500/- and about 19% below Rs. 200/-[9]. Now, if we add social basis to it, the percentage is bound to soar up to such an extent that any special provision becomes meaningless.

Then again, quite a good number of categories, mentioned above are covered by other Directives and as such, they need not be treated as constituents of the 'weaker sections.'

For instance, landless labourers, and other labourers mentioned in Categories, 'b' and 'c' are covered by directives in Article 42[10] and 43[11] of the Constitution. Similarly, sections belonging to category 'd' are covered by Article 43 and those belonging to category 'j' by Article 41.[12]

As far as sections belonging to category 'e', 'f' and 'i' are concerned, there is no difficulty in treating them as weaker sections because the constitutional directive in Article 46 clearly indicates them. But the difficulty comes with regard to 'women' mentioned in category 'h'. Should all women, irrespective of their educational, economic, social or political status be treated as weaker sections ? If this is done, then, they alone would constitute more than fifty percent of the population. Added to them the other categories like Scheduled Castes and Scheduled Tribes, etc , would mean, again, a bulk of population and thus the very purpose of the specific provision of the Constitution would be defeated.

But then, the question arises as to whether we can completely eliminate this category ? It may be argued that exceptions in Articles 15[13] and 16[14] should be taken as illustration of 'weaker sections' necessitating special protection, If we accept this argument, then not only women but also children would have to be treated as constituting weaker sections. In that case again the whole purpose of special protection would lose importance.

Not only this, if illustration is to form the basis, why should we not take the illustrations given in Article 46 itself. In that case people belonging to such categories as Scheduled Castes and Scheduled Tribes would form part of the 'weaker sections' of people. Now, the question arises as to what are the people that belong to such categories ? The answer is 'Other Backward Classes'. In fact, in one context Ambedkar[15] did treat 'weaker section' almost as synonymous with 'Backward Classes' and as 'Backward Classes' has been interpreted as 'Scheduled Castes, Scheduled Tribes and Other Backward Classes'[16], the logical conclusion is that the 'weaker section' in the present context, wherein Scheduled Castes and Scheduled Tribes have been mentioned specifically, would mean 'Orher Backward Classes'[17]. The Planning Commission also appears to endorse this view. In the First Plan, it treated 'Child Welfare' and 'Women's Welfare' separate from the 'Welfare of Backward Classes' and while dealing with such classes it referred to "the Scheduled Castes. the tribes population, groups which were hitherto known as Criminal Tribes, and other groups who can be considered to constitute the weaker section of the population.[18] It clearly indicates that children and women have been excluded from 'Weaker Sections'. The women members of the Constituent Assembly also did not appear to be favourably inclined to the idea of women being regarded as a weaker section.[19]

On the basis of the above discussion we feel that the term 'weaker section' in the context of Article 46 of the constitution, should be treated as synonymous with social backwardness and the benefits of the special provision for weaker sections should be applied only on Scheduled Caste. Scheduled Tribes, Nomadic Tribes and such other sections that form part of social backwardness.

Notes :–

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1. The term 'State' in this context includes "the Government and Parliament of India, and the Government and the Legislature of each of the States and all local or other authorities within the territory of India or under the control of the Government of India" (vide Articles 36 and 12 of the Constitution of India)
2. Article 46 of the Constitution of India.
3. Constituent Assembly Debates, Vol. VII, pp. 552-3.
4. State of Madras vs. Champakam (AIR 1951, Mad 120 and AIR 1951, SC 226); Omprakash vs. State of Punjab (AIR 1951, Punjab 93); Jaswant Kaur vs. State of Bombay (AIR 1952 Bombay 461); Re M. Thomas (AIR 1953, Mad 21).
5. Constituent Assembly Debates, Vol. VII, pp. 552-3.
6. Vide Report of the Study Group on the Welfare of the Weaker Sections of the Village Community, Delhi, 1963, Vol. 1, p. 1.
7. Ibid.
8. Ibid, pp. 4-5.
9. Ibid, p 6.
10. Article 42 provides that : "The State shall make provision for securing just and humane conditions of work and for maternity relief "
11. Article 43 provides that : "The State shall endeavour to secure, by suitable legislation or economic organisation or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities, and, in particular, the State shall endeavour to promote cottage industries on an individual or cooperative basis in rural areas "
12. Article 41 provides that : ' The State shall, within the limits of its economic capacity and development make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want."
13. Vide Article 15 (3) according to which special provisions for women and children may be made and 15 (4) according to which special Provisions for Backward Classes and Scheduled Castes and Scheduled Tribes may be made.
14. Vide Article 16 (4) according to which special provision may be made for Backward Classes.
15. Vide Parliamentary Debates, May 18, 1951, Part II, Col. 9007.
16. Report of the Backard Classes Commission, 1956, Vol. I, p. 5.
17. Radhakrishnan, N : Units of Social, Economic and Educational Backwardness : Caste and Individuals, Journal of Indian Law Institute, Vol. 7. No. 3, 1965, p. 268.
18. First Five Year Plan, G, O. I, 1952, p. 634.
19. Constituent Assembly Debates, Vol. IV, p. 9.

SOCIAL CHANGE AND POLITICS IN INDIA : A NOTE TOWARDS MODERNIZATION

BY

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There is no mistaking the fact that society is bound up with changes occuring from time to time. Composed of human beings, it is an experiment in organized living. Its inhabitants therefore need must adjust with changes putting in their appearances in and around the society. Not being a closed structure, the society tends to dynamism for its health. Martin H. Neumeyer has rightly pointed out that society "is dynamic in character and teeming with life. Either it grows and moves forward or it retrogresses."[1] Ours, in particular, is an age of constant innovations and experiments. Due to them certain fundamental and far reaching changes have been taking place in such a way as to shake off the old structures of the society. Social change, thus is a hallmark of social reality today in both the developed and developing countries of the world. Naturally, the social scientists of our time are given to studying the phenomenon of social change. To quote Alex Inkeles : "No other problem in social science has quite the same power to generate global theories which attempt to explain all else in social life by reference to one master key"[2] Continuing phenomenon though social change is, from which by far no society is wholesale exempt, yet "Social changes present the worst kinds of puzzle to the sociologists."[3] To put in the words of Don Martindale "theory of social change is the weakest branch of sociological theory"[4] and the "explanation of social and cultural change is the capstone of a sociological theory."[5] There is, however, a gleet of theories which try to explain social change in the society.

"Theories of evolution" conceive of society as a living organism that possesses

the potential of smooth changes towards an ever increasing social complexity. "Theories of equilibrium" emphasise the state of the elements that enter the system and the mutual relationships between them presuming that any small change in one of the elements will be followed by modifications in the other elements, lending to reduce the amount of that change. "Theories of conflict" stress the mode and manner of social change, processes which are depicted as being uneven and disruptive, aimed at fundamental or structural alterations. "Theories of growth and decay", on the other hand, mirror the social history of man in patterns or regularities of progress and regress.[6]

A second group of explanations highlight the factors which effect social change Included here "geographical cosmic, racial, biological, demographic, political, military, 'great men', material technological, economic and ideological" compounds.[7] A third cluster of hypotheses confuse the conditions, processes and consequences of the past and the present[8] "Theories of progress" maintain that evolution is an inevitable and normal process toward a better society. "Socialistic and moralistic" theories suggest that ideologies stimulate change. "Theories of history" and "miscellaneous theories on the other hand attribute changes in society to some cyclical sequence and in terms of biological and geographical determinism respectively. A few others relate to charismatic leadership, economic progress, industrialization, cultural contradictions, economic determinism and ever-present developmental or evolutionary modifications in social life.[9]

Whatever its actual cause and regardless of actual conditions or how it takes place, it is for sure that social changes occur in every society for better or worse and they occur in varying ways.

Meaning and Definition of Social Change

By social change is meant such changes as occur in social organization i. e. in the structure and functions of society. T. B. Bottomore defines social change as "Change in social structure (including here changes in the size of society) or in particular social institutions or in relationships between institutions."[10] Gerth and Mills refer by social change "to whatever may happen in the course of time to the roles. the institutions, or the orders comprising a social structure, their emergence growth and decline."[11] Social change, to quote Heeger, is depicted as the replacement of a social structure which guides all spheres of activity in a particular society, by a new whole social structure." Referring to Huntington he further says that the critical development problem in this view is the construction of and inculcation into new, modern social and political institutions"[12] It is also conceived as a process of structural differentiation. This kind of approach is adopted by modern functionalists such as Parsons.[13] No doubt, social change always results in the partial or complete redefinition and redistribution of roles and structures of a society. We would, for our purpose, however, consider social changes as something more than role differ-

entiation of social structures. We would also take into account political development and economic development as essentials of social change.

For sure, the role of social change in different social systems would be different. Even the role of change would differ from one political system to another. For example, traditional societies being highly localized are often affected by change at different rates. Social change can affect parts of a society at a different rate. Thus old and new structures can persist side by side and even old structures can perform new functions. In the new nation states which are "constellations" of traditional societies social change has been sporadic, erratic, fitful and unpredictable in its consequences. Fixity and a resistance to change seem to be as ubiquitous as change itself.[14] Forces of conservatism pose an obstacle to the forces of change and development. Social change however keeps on taking place as it is not only "inevitable" but, according to most modern scholars of the subject, it is also "inevitably modernizing". The rate of change may be extremely slow in traditional, purely agrarian societies as compared to rapid changes in the modern societies.

All the existing societies of the world today can be divided into three categories : Traditional societies, modernizing or developing societies and modern or developed societies. A predominantly agricultural society which is untouched by the scientific developments of the post industrial revolution world be called an undeveloped or an agricultural or a traditional society. An agrcultural society, on the other hand, trying to transform itself into an industrial society by incorporating the innovations of the post-industrial revolution era would be ealled a developing or a modernizing society. Likewise, a society which has a network of highly sophisticated and developed technology and industry would be called a developed society. Being in different stages of social development all these societies display different social eharacteristics. As F, X. Sutton has characterized it, an "agricultural society" is distinguished by :

1. The predominance of ascriptive, particularistic, diffuse patterns.[15]
2. Stable local groups and limited spatial mobility.
3. Relatively simple and stable "occupational" differentiation.
4. A "differential" stratiflcation system of diffuse impact, such as a landowners' class, or "estates".

Even agricultural societies often have a few cities, but the great bulk of the population is rural based.

A modern, urban-industrial society is characterised by :

1. The predominance of universalistic, specific and achievement norms.
2. A high degree of social mobility.
3. A well developed occupational system insulated from other social structures.
4. An "egalitarian" class system based on generalised patterns of occupational achievement.
5. Prevalence of functionally specific associations.[16]

The political processes and institutions of industrial, or modern or developed societies tend to be 'functionally specific'. There are parties to help formulate the will of the people and to select and support candidates for public office. Interest groups will pursue specific policies for the benefit of their members. The law making, law application and law adjudication processes are likely to be in the hands of differentiated institutions, each carefully designed to perform its own function. Administrators and elective officials are recruited on the basis of proven ability and promise of achievement. The criteria of selection and promotion in the public service, as in a large part of private economy, will be 'universalistic' in character. And so will be the governing of the body politic, say by means of laws and fair procedure.

On the other hand, an agrarian or traditional society is likely to have political institutions in which "symbolism" and "diffuse patterns of deference" outweigh recognizable purposes. Probably it will be ruled by a monarch or an aristocracy who owe their position to "ascription" and their authority to "particularistic" norms. And there will be very little or no differentiated role structure of bureaucracy and associations typical of a highly developed system.

Another significant distinction is between the styles of life in traditional and modern societies. In a traditional society man is dominated by the vicistitudes of nature and feels impotent to control his environment. Thus sense of impotence generated by his inability to control the forces of nature like droughts, flood, pests, and crop diseases which constantly harass him induce him to rely on the elders who had experience. This style of life hinders the formation of a creative or innovative personality so that the life goes on the same generation after generation. The social and political structure remains hierarchical, if not authoritarian, methods of productian continue unchanged or are modified only slightly, and the level of income and standards of living remain constant.[17] As a result of learned habits, common memories, operating preferences, symbols, events in history and personal associations, people in traditional societies become used to certain food, clothes, taxes, and marriage ceremonies. They even have similar ideas about good and bad, beautiful and ugly and they bring up their children expecting them to behave in similar ways. Karl W, Deutsch rightly defines community in which traditional man begins and ends himself as "a collection of living individuals in whose minds and memories the habits channels of culture are carried,"[18]

Communication network which is "the basis of the coherence of societies, cultures, and even the personalities of individuals"[19] is not highly developed. Naturally, people of one village community have remote communication with another village community. In contrast, therefore, to modern society where communications, technology, mobility and patterns of interdependence have resulted in what may be called a national community, traditional society finds each village and tribe constituting a small community isolated from other small

communities, Defining nationality Deutsch calls it "an alignment of large numbers of individuals from the middle and lower classes linked to regional centres and leading social groups by channels of social communication and economic intercourse, both indirectly from link to link and directly with the centre."[20] Thus being a member of a nation consists of the ability to communicate effectively on a wide range of subjects with members of one large group whereas the cohesiveness and semisolation of villages in traditional society constitute impediments to the emergence of a nation.[21]

The definition, "traditional societies see very little change and innovation. whereas modern societies are characterized by constant, fairly rapid, and noticeable change touching the life of nearly everyone."[22] Daniel Lerner has spoken of the changes in traditional society towards modernization in terms of mobility : "Physical mobility released man from his native soil; social mobility freed man from his native status; psychic mobility liberated man from his native self "[23] Thus during the transitional phase patterns of traditional behaviour begin to change. To put in the words of Finkle and Gable : "Patterns of child rearing begin to change; new personality types challenge and replace the dominant position of traditional personalities; marginal men, creative and innovative personalities appear with greater frequency and assume increasingly major roles in the traditional process. Changes in residence and occupation occur as people move from farm to flat, from fields to factory."[24] Economic, social and technological developments make mass media of communications possible and permit a lighting-like exchange of ideas due to installation of modern transportation and communication systems. The barriers between the little communities begin to fall and regional, and eventually national, communities emerge. Under these circumstances people experience, in Deutsch's term "social mobilization". This is a process in which "major cluster of old social, economic and psychological commitments are eroded and broken and people become available for new patterns of socialization and behaviour."[25]

On the whole we see that the "folk" society or the traditional society is the polar opposite of the "urban" society. R. Redfield considering it in the same light points out that the folk-type society is ".... small. isolated, non-literate and homogeneous, with a strong sense of group solidarity .... Behaviour is traditional, spontaneous, uncritical and personal .... Kinship, its relationships and institutions, are the type categories of experience and the familiar group is the unit of action. The sacred prevails over the secular; the economy is one of status rather than of the market."[26]

For the analysis of social change, therefore,we can contrast societies which are hostile to innovation with those which are more or less responsive to change. The former are designated as traditional or agrarian and extreme cases are provided by the "blind alley civilizations" described by Toynbee in which the will to change is missing, and "sheer *vis interliae* tends at all times to keep most parts of the social struc-

ture as they are, in spite of their frequent incongruity with new social forces that are constantly being brought into action by the creative energies of the growing societies as its growth proceeds."[27] Marx highlighted the mental climate of traditional societies as typified by the Indian village community of the mid-nineteenth century, which "restrained the human mind within the smallest possible compass, robbing it of all grandeur and historical energies."[28] Such a society is rightly called an "arrested" society by Toynbee as it "has achieved so exact an equilibrium with its environment that it becomes the environment's slave instead of its master."[29] The British came to India at a time when its growth was really "arrested". The social and economic growth of the Indian society had long been at a stand-still. The situation had not much changed when Marx considered the Indian village community of the mid-nineteenth century as a singular illustrative example of arrested growth which "subjugated man to external circumstances, instead of elevating man into the sovereign of circumstances, and transformed a self-developing social state into a never-changing natural destiny,"[30]

The Case of India

The Indian society, ever since independence, is engaged in the tremendous task of transforming itself from a traditional hierarchical, poverty-stricken society to a modern, equalitarian and affluent society, Modern India, as a matter of fact, is made up of three major influences : Hinduism, the British 'rational-legal authoriry' and the 'reconstructive nationalism of the pre-independence era'. Hinduism was the cultural centre of traditional India which had no political centre. Muslims of course set up a strong political centre which could not penetrate the countryside. Their contribution is Indian history was 'mixed', rather negative, in the form of communalism'.[31]

Modernization or transformation of Indian society from a traditional, agrarian society towards a modern shall necessarily start with British rule, specific after its consolidation in 1857. Bottomore is right when he says, "two elements have played a decisive part in bringing about social change in India; first, Western science and technology, and secondly social planning."[32] No doubt, exploitative has been the role of European science and technology in India, yet it has been an agent of social change. By the improvement of living conditions and medical care it affected the rate of mortality. The introduction of capitalist industry brought about changes in the property system [33] and in the division of labour, and gave rise to new social strata and classes which played an important part in the political development of India.[34] Scientific thought brought a new world view which came into conflict with the traditional culture. Apart from social and political innovations like a new system of government and administration, judicial procedures, forms of education, etc., the British introduced new cultural values such as rationalism, and later on egaliterianism secularism and socialism. The social values and scientific innovations in the country were to blaze the path of national development even after independence.

However, if we analyze social change in India by segments or major topics, it may lend concreteness and clarity to this undertaking. The segments of social development to be discussed here would be those suggested by Peter Merkl.[25] They are :

(1) the economic system,
(2) the social structure,
(3) the family.
(4) the role of the individual,
(5) the cultural system, and
(6) the political system.

The development in these segments would be studies in three stages-Pre-British phase, Btitish phase and post independence era,

The Economics of Social Change

When the British came to India, was an agrarian society. The vast majority of the population was living in isolated villages and tribal communities. Their method of growing food was very simple. The plough and the bullock carts were the two important possessions of the Indian farmer. Their production rarely exceeded the demands of subsistence. The lack of the spirit of innovation and incentive for improvement marked the period No doubt a small class of traders, craftsmen and courtesans lived in cities with a relatively more modern life style, but the population at large was unaffected by it. Ignorance and isolation characterised the bulk of the population. And above all, the people in general played no role in politics.

The introduction of industry and technology in India by the British brought about some awareness in people. India entered the transitional period. The glimpses of modern science began to influence production. Large industries cropped up. People began to move towards the cities and started working in the factories. Scientific and industrial technology began to make a headway. The British exploited the country, but for the purpose they had to establish a sophisticated network of communication which helped the people integrate. India suffered economically under the hands of the British. It was bled white at the greedy hands of rising capitalism and that left a permanent scar not only on the economic structure, but on all forms of social structure. Paul Baran has highlighted this aspect in a telling language :

> "Thus the people who came into the orbit of Western capitalist expansion found themselves in the twilight of feudalism and capitalism enduring the worst features of both the world, and the entire impact of imperialist subjugation to boot .... Their exploitation was multiplied, yet its fruits were not to increase their productive wealth; they went abroad or surved to support a parasitic bougeoisie at home. They went abroad or surved to support a parasitic bougeoisie at home they lived in abysmal misery, yet they had no prospect of a better tomorrow.They existed under capitalism, yet there was no accumulation of capital. They lost their time-honoured means of livelihood, their arts and crafts, yet there was no modern industry to provide new ones in

> their place. 'They were thrust into extensive contact with the advances science of the West, yet remained in the state of the darkest backwardness"[36]

And in the next line Paul Baran adds : "The outstanding case in point is obviously India."

Nehru noted, in his book, *Discovery of India*, that one of the few words that went into the English vocabulary in the early days was 'loot'.[37] The social scientists have definitely proved that a lot of blood and sweat, oppression and injustice, cultural frustration and even human lives of India went into the making of an industrially prosperous Britain, resulting in an inverse degradation of India's last bit of resources, economic, social and cultural. Once we take a proper account of the happenings in India, under the British rule, we can easily see through the myth that British rule was helping India modernise. In the words of Thompson and Garret "... a gold-lust unequalled since the hysteria that took hold of the Spaniards of Cortes' and Pizzaro's age filled the English mind,"[38] whatever modernizarion occured, it helped quench their thirst for gold and power.

Thus had it been left alone to change according to the laws of historical necessity, the face of India would have been different. What would have been caused by historical necessity was imposed by alien rulers for their own benefit. Hence when the British left the country dividing it in two parts, they did more injustice to the economy than ever before. However, we must give them credit for introducing scientific technology and industry in our country. The "preconditions for the take off" of modern economic growth were left behind *sans* finaces to start afresh the industries which were left behind in the hands of the leaders of independent India.

The British left the Indian economy in a medlay of confusion. The leaders of India had to begin afresh. They had no option of "phasing" their processes of growth into a developmental sequence. They had to pursue diverse goals simultaneously. Thus from almost the beginning India's development strategy had grown around the pursuit of four more or less well defined goals : independence of the economy from its reliance on strategic imports and foreign aid (the goal of "self-sustained growth"), resource mobilization and capital accumulation leading to increase in rates of saving and investment (the goal of a high "rate of growth"), reduction of sectoral and social disparities (the goal of "equality"), and the simple concern with providing minimum conditions of subsistence and survival (the goal of equity and "justice"), The early steps taken by the leaders of the independent India were land reforms designed to undermine feudal order in the rural areas and replace it by more equitable land rights, and setting up of a planning machinery to start a coordinated effort at resource mobilisation and planned development, and the initiation of a community development movement and allocation of new resources to the cooperative movement for promoting self-help in the villages of basic facilities for village

development.[39] The implementation of these new reforms and planning schemes marked the beginnings of economic take off. The country entered the transitional phase of development and its modernization has been going on incessantly but slowly ever since.

Social Structure

According to Merkl by social structure is meant "essentially two kinds of patterns, a spatially arranged system of village, tribal, and/or ethnic or other social communities and the horizontal stratification that separates social classes or the elites from the masses."[40]

The traditional Indian society consisted of self-contained and more or less isolated villages and tribes. It had meny ethnically distinct communities ruled by feudal lords. The spatial ability was quite low and means of communication limited.[41] Engaged in a subsistence economy, the Indian farmer was dependent neither on imports to nor exports frcm his village community. In such a society communications between the village and the outside world were extremely limited and naturally, therefore, the farmers' knowledge of the outside world and his intellectual horizon, illiteracy, of course was general.[42] No wonder therefore that India emerged as a land of varied cultures, customs, languages and religions as all these differed from village to village The traditional Indiansociety was divided into rigid occupational-social communities such as the caste and the sub-caste system. The caste system provided a localised social structure and aimed at functional interdependence, individual identification and social cohesion. The caste system completely and inescapably defined a person's social and cultural identity and severely restricted his choice of occupation, way of life, and marriage partner as well as its pattern.[43] There was a strong sense of local solidarity. People had their group loyalty, family loyalty, caste loyalty apart from loyalty to the village or class. The structure of authority was hierarchical and the norms laid down by village elders of higher caste or family elders were binding on the individual.

"Colonial rule disrupted the traditional social order and culture so basically that Humpty Dumpty can never be put together again."[44] In regard to social issues the British regime continued to be a force for conservatism. No doubt, urbanization was spreading, railways and other means of communication were rapidly expanding, news media developed, but no revolutionary changes took place in the caste system rather "the members of the higher castes dominated the profession, the higher level posts in the Government-in fact all white-collar jobs-while the lower castes provided certain essential services and goods."[45] The British created an English speaking learned middle classes out of the higher caste people to man the higher services. Later on they took advantage of the caste system and religious orders to produce cleavages among the Indians and rule it for a longer period. However, the ultimate effect of the British rule was the breaking of the traditional form of aristocratic authoritarianism and the percolation of the democratic culture.

After independence the process of transition towards modernization kept up its speed. Still, even after thirty years of independence we have not been able to do away with the caste system. The democratic political process has politicised caste. By drawing the caste system in its web of organization, politics find material for its articulation and moulds it into its own design. But the former barriers which the caste system generally used to pose are fast breaking. Inter-caste marriages and secularization of caste is going on. Caste has failed to play as important a role in the recent elections which were held in 1977 as it had played in previous elections.

The individual and the family

The traditional Indian family was almost determined by a strict hierarchy of age and sex. Males were considered superior to females and older persons superior to younger ones. The joint-family system was the order of the day and family status and caste determined the role of the family and the individual. The position of the individual in the larger social system was determined by the occupation to which he was entitled, his relationship to customary authority, and his obligation as a family man or a dependent. Duties were well defined and in return for his due compliance with the responsibilities assigned by the system, the individual was well protected by the family, the village or the class.

The British industrial set-up broke up the joint family system without providing any individual security. The large joint-family was an impediment in individual mobility. Still there were many industrial workers who maintained their links with their families and kept on helping it. The individual's status started growing with the quality of his education and the kind of job he was employed in under the British. They brought into being a wholly new class-English educated, tutored in liberal ideas, full of admiration for the west and prepared to serve as "clerks" under foreign superiors. This was the new middle class.

The transitional process which was begun by the British has accelerated its pace after independence. Politically India is a sovereign, secular, democratic republic. It grants its people justice; social and economic, equality and freedom. It being a democracy every individual has equal rights and duties as well as equal importance. The large joint-family has lost its usefulness as welfare responsibilities have been taken up by the state. A caste system which is incompatible with the rationality, mobility and egalitarianism of a democratic society is in conflict with the assumptions of the political regime hence slowly but surely it is being eroded. Instead, people have started realizing the importance of associations in all fields of life : social, economic and political. Political parties are one form of political associations through which individual as also groups try to maximise their freedom.

The Cultural System

The cultural system, fifth in the list of social segments, is by no means the least significant. To quote Erik Erikson "Each

new being is received into a style of life prepared by tradition and held together by tradition, and at the same time disintegrating because of the very nature of the tradition."[46] This style of life is called the culture of the society. It keeps on changing with time as new values and beliefs are incorporated in the culture. This tradition, according to Max Radin :

"..,.. is not a mere observed fact like an existing custom, not a story that exhausts its significance in being told; it is an idea which expresses a value judgement. A certain way of acting is regarded as right; a certain order, arrangement is held desirable. The maintenance of the tradition is the assertion of this judgement."[47]

In the widest sense, therefore, tradition means all that we inherit from the past. There is a distinct process of selection in tradition. Only significant behaviour of our forefathers are called traditional cultures.

The tradition of food, custom, religion and social institutions denote the culture of the society. But the food custom and religion can change in a short period, social institutions do not change easily. Hence the social and political institutions of a society mark the culture of that society. For Kingsley Davies institution is "a set of interwoven folkways, mores and laws built around one or more functions."[48] Hertzler defines institutions as "great clusters of established accepted and implemented ways of behaving socially."[49] According to W. H. Humilton an institution "coanotes a way of thought or action of some relevance and permanence, which is embedded in the habits of a group or the custom of a people... Institutions fix the confines and impose form upon the activities of human beings."[50]

Historically, India owed its unity not to the authority of a given political system but to the wide diffusion of the cultural symbols, the spiritual values, and the structure of roles and functions characteristic of a continuous civilization.[51] Humanitarian sentiment of love, friendship and brotherhood and service are the manifestations of a Vedantic type of religion. Indian social life which was dominated by the institutions of varna and jati and the joint-family were the social institutions based on vedic sanctions. People believed in the purity of heart. In the kind of situation as prevailed in India, social development was very slow. The barriers to development were high and strong Social modernization would have taken a very long time to dawn upon India.

The arrival of the British and their uninterrupted rule for over two centuries broke many a barriers. Though the caste system was left intact, the family system began to change. Many noxious and orthodox customs like the *sati pratha* and practice of untouchability were removed by social reformers like Ram Mohan Roy and Mahatma Gandhi. The country was passing through a period of modernization.

The 'cultural lag' which came into existence with the establishment of capitalist economy still haunts the country. The force of Westernization has added to this 'cultural lag'. People are forgetting their own cultures

and traditions and adopting those which are prevalent in Britain and America. Though some social movements rejected some of the traditional values of Indian culture and tried to modernize and reform it, but the social institutions and cultural values of present day India are not adapted to the way of life of an industrial society, whether capitalist or socialist, Ever since independence, steps are being taken to bridge the gap left open by the cultural lag but this is like bridging the gap between the rural and urban India.

The Spontaneity of Political Development

Political development is directly linked to the economic, social, cultural and individual developments. Yet there is a notable difference between the usual course of development in other sectors and development in the political field. Economic system, social structure, culture, and the role of individuals in a given society generally change slowly and over several generations. Moreover, once major changes in these sectors start, the momentum of change is largely self-generating and self-sustaining, making it probably impossible to stop or reverse the trend. But not so the political development. It may be thwarted by foreign intervention, anarchy, civil war, dictatorship, of simply by the general inability to achieve political consensus.[52] In the word "political development" is to have any analytical meaning, as Samuel P. Huntington has argued, it must be held up against the possibility of political stagnation and decay.[53]

Political development is variously defined by different writers in the field. There is no agreed upon definition which includes all the essentials of political development. Political development is not "a process which aims at a particular political condition, but one which creates an institutional framework for solving an ever-widening range of social problems."[54] It is in fact, "a state building process aimed at a particular kind of state,"[55] which must be described. It takes place in five basic phases, not necessarily in a consecutive or in the same order.

"1. The first step achieves the unification and external autonomy of a common territory.

"2. This is followed or accompanied by the development and differentiation of political institutions and roles.

"3. The third phase involves the transfer of power from ascriptive elites to individuals and groups chosen by criterion of achievement.

"4. Then there occurs an enormous growth and interpenetration of organized social interest and governmental functions, which could also be called democratization, accompanied by both social integration and further institutional and political role differentiation.

"5. The fifth step is the enormous rise of governmental capability in molding the human environment, extracting resources, and marshaling power indealing with other nations".[56]

Considering the case of India, throughout the eighteenth and early part of the nineteenth centuries the political picture was greatly confused, with the crumbling moghal empire and constant wars of territorial acquisition waged by the foreigners. India, thus, towards the end of the Moghal empire was a land divided, lacking in central authority, militarily and politically chaotic.

With the beginning of the European era, in which the English power came to dominate, the political spectrum began to change gradually. After the military revolt of 1857 the British came to have an unchallenged foothold in the Indian subcontinent. They for the first time brought the whole sub-continent under "one imperial rule" and kept it under their rule for a long time "without fear of either disruption from within or aggression from without." This was a major achievement for later on it provided the territorial basis on which India's unity as a nation was built and a feeling of nationalism pervaded the Indian political scene. Another beneficial effect of British dominance on the political development of the country was the enforcement of rule of law and political order. Many Indologists are filled with gratitude at this "blessing" in disguise of the British Raj. The British also provided a unified administration. [57] The modern type of bureaucracy based on merit and open competition for which the "middle class" - the English educated *babus* - competed, thrust India towards political modernization. Before they left the country, they saw to it that the Westminister Model was already in operation. They had initiated a democratic form of government which became the hub of the Indian government after independence.

India, after independence, chose to adopt an open and eclectic model of development, one that involved a simultaneity of goals and a mix between tradition and modernity. [58] The Indian National Congress, which was itself an outgrowth of considerable intellectual awakening, social "renaissance", and reformist activity throughout the nineteenth century, and indirectly of the systems of administration, education, law and communications developed under the British Raj came to inherit power from them. It was a highly amorphous and eclectic organization with a pragmatic leadership, accommodating various strands of thought and commitment. The main planks of the Congress ideology were anticolonialism and solidarity with other colonial nations, a participant democracy, equality and social justice, communal harmony, tolerance of minorities and respect for diversity, linguistic states, planned economic development, and rejection of violence as legitimate means for solving disputes. Such a consensus on the basis of a relatively well defined and comprehensive ideology apart from Gandhi's constant reinterpretation of tradition in order to legitimize his progrnmme and to "build bridges" over both time and space resulted in the mobility of the past for changing the direction of the present. [59] Together with it the long durntion and confirmity of India's civilization imparted it a sense of overriding unity which cut across political divisions, ethnic and linguistic diversity, and secular movements in religion, technology, and

ideology. In short, the length and continuity of both the nationalist movement and of the Hindu civilization contributed to the unity of the new India and imparted to its modernist design, depth, flexibility, and manoeuver-ability. [60] Thus, many things have facilitated the process of change and re-orientation of India's ancient civilization along a modernist path. Unprecedented intensity and concentration of modernist impacts brought about by one of the longest colonial thrusts in History, a long nationalist movement, the emergence of a centralizing elite steeped in the modernist ideology which penetrated deep into the regions, an array of charismatic personalities, and an all-encompassing organization have all helped India's peculiar reconciliation between tradition and change. [61]

Conclusion :

But all is not well with social change in India. The very fact that modernization entails continual changes in all major spheres of a society means of necessity that it is followed on its heels by processes of disorganisation and dislocation. Moreover, simultaneous and consistent growth in all sectors is not possible in a complex society like India where stagnation of some parts and dynamism of others are generally marked. This inconsistent growth brings along its own miseries and problems for the people at large. Large scale unemployment, population growth, need for housing and social security, cleavages and conflicts between various groups and movements of protests resistance to change. These in turn set-off internal disturbances and cause severe damage to the political system instead of doing any good. But these are necessarily the birth-pangs of modernizing societies. We cannot forget that the so called models of developed nations had to pass through the ordeals of revolutionary strifes, religious conflicts, and even wars during their period of modernization. These crises, to quote Fred W. Riggs, were not only "unavoidable consequences of development but perhaps in a more significant way they were the causes of development."[62] Without these stimulus of crises, it may be argued, the necessary dynamism for development would be lacking.[63]

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NOTES :

1. Martin H. Neumeyer, Social Problems and the Changing Society (New York : D. Van Nostrand, 1953)' p. 48.
2. Alex Inkeles, What is Society ? (New Delhi : Prentice Hall, 1965, p. 88.
3. S. N. Ganguly, Tradition Modernity and Development : A Study in Contemporary Indian Society (Delhi : Macmillan, 1977). p. 63.
4. Don Martindale, "Introduction" in George K. Zoelschan and Walter Hirsch, eds., Explorations in Social Change (Boston : Houghtan Mittlin, 1964). p. 11.

5. Quoted from Ganguly, op. cit., p. 63,
6. Stephen Schafer, Mary and Richard Kundten, Social Problems in a Changing Society : issues and deviances (Virginia : Reston Publishing, 1975), p. 12.
7. Robert Bierstedt, Quoted from Ibid., p. 12.
8. Richard T. La Piere, quoted from Ibid , p. 12.
9. Schafer aud Colleagues, op. cit., p. 13.
10. T. B. Bottomore, Sociology : A Guide to Problems of Literature London : George Allen and Unwin, 1962), p. 76.
11. Quoted from Ganguly, op. cit., p. 63.
12. Gerald A. Herger, The Politics of Underdevelopment (New York : Macmillan, 1974), p. 5.
13. See T. Parsons, 'A Functional Theory of Change' in A. and E. Etzioni, Social Change : Sources, Patterns and Consequences (1964).
14. Heeger, op. cit., p. 5.
15. This characterization refers to some of Parsons' pairs of pattern variables : (1) affectivity- affective neutrality, (2) Collectivity-Orientation-self-orientation (3) particularism-universalism (4) ascription-achievement, and (5) diffuseness-specificity. Of each pair, the first mentioned pattern characterises less developed societies. See Talcott Parsons and Edward Shils, Toward a General Theory of Action (Cambridge : Harverd University Press, 1951).
16. F. X. Sutton in Jason L. Finkle and Richard W. Gable, eds., Political Development and Social Change (New York : John Wiley & Sons, 1968), pp. 24-25. By ascription sociologists mean the assignment of rank or role on the basis of birth, age or sex rather than achievement. Particalarism refers to an emphasis on kinship and local relations, whereas universalism denotes the prevalence of generally applicables norms, such as laws and principles. Thus, ascription is particularistic, ranking by achievement universalistic.
17. See Everett E. Hagen "A Framework for Analyzing Economic and Political Change", in Robert E. Asher, ed., Development of the Emerging Countries : An Agenda for Research (Washington, D.C. : The Brookings Institution, 1965), pp. 11-15.
18. Karl W. Deutsch, Nationalism and Social Communication : An Inquiry into the Foundations of Nationality New York : John wiley & Sons, 1953), p. 63..
19. Ibid., p. 61.
20. Ibid., p. 75.
21. Finkle and Gable, eds., op. cit., p. 121.
22. Peter H. Merkl, Modern Comparative Politics (New York : Holt, Rimchak and Winston, 1970). p. 29
23. Daniel Lerner, The Human Meaning of the Social Sciences (New York : Meridian Books, 1959), p. 18.
24. Finkle and Gable, op. cit., p. 121.
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26. Quoted from Stephen Cotgrove, The Science of Society : An Introduction to Sociology (London : George Allen and Unwin, 1967), p. 270.
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28. Karl Marx, "British Rule in India", The future of British Rule in India (1853) in Marx, Surveys From Exile (London : Penguine Books), Ed. 1973.
29. Toynbee, op. cit., vol. IV, p. 257.
30. Marx, Capital, Aveling Moore, ed., p. 352.
31. Rajni Kothari, Politics in India (New Delhi : Orient Longman, 1970) pp. 21-22 and 34-35.
32. Bottomore, op. cit., p. 282.
33. Notably the establishment of individual private property in land.

34. A. R. Desai, Social Background of Indian Nationalism.
35. Merkl, op. cit., p. 25.
36. Paul A. Baran, The Political Economy of growth (New York : Modern Reader, 1968), p. 144.
37. Nehru, The Discovery of India (London : Meridian Books, 1960), p. 296.
38. Quoted from Ganguly, op. cit., p. 9.
39. Rajni Kothari, Politics in India (New Delhi : Orient Longmans, 1970), p. 340.
40. Merkl, op. cit. p. 30.
41. For detail see M. N. Srinivas, Social Change in Modern India-California, University of California Press, 1971).
42. John H. Kantskey ed., Political Change in Underdeveloped Counties : Nationalism and Communism (New York : John Wiley & Sons, 1962), p. 151.
43. See L. I. Rudolph and S. H. Rudolph, "The Political Role of India's Caste Association", Pacific Affairs, vol. 33 (1960), pp. 5-22.
44. Hegen, op. cit., p. 20.
45. Srinivas, op. cit., p. 64.
46. Quoted in Ganguly, op. cit., p. 45.
47. Encyclopaedia of Social Sciences, Vol. 15, p. 62 (1944 Edition).
48. Kingsley Davies, Human Society (New York : 1949), p. 71.
49. Hertzler, American Social Institutions (U. S. A., 1961), p. 77.
50. Encyclopaedia of Social Sciences, vol. 8, p. 84.
51. Ranji Kothari, op. cit., p. 251.
52. Merkl, op. cit., p. 49.
53. Samuel P. Huntington, "Political Development and Political decay" World Politics, April, 1965
54. Alfred Diament, "Political Development : Approaches to Theory and Strategy" in J. D. Montgomery and W. J. Siffin (eds.), Approaches to Development (New York : Mc Graw-Hill, 1966, p. 16.
55. Merkl., op. cit., p. 50.
56. Ibid, p. 50.
57. Kothari, op. cit., p. 38.
58. Ibid., p. 77.
59. Ibid., p. 80.
60. Ibid., p. 80-83.
61. Ibid., p. 99.
62. Fred W. Riggs, "Modernization and Political Problems : Some Developmental Pre-requisites" in Willard A. Beling and George O. Totten (eds.), Developing Nations : Quest for a Model, (New York : Van Nostrand Reinhold, 1970), p. 80.
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THE CHANGING ROLE OF THE SUPREME COURT OF INDIA*

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The political system of a country always gets moulded on the basis of its immediate past experiences. History, tradition, culture and outlook would invariably percolate and vitally affect its institution. At a macro level, one can assert that the democratisation and republicanism are the responses of long-felt needs of the people that suffered under benevolent or dictatorial monarchies. Looking further, one can find that the division of powers between the different wings of the State, mutual checks and allocation of specific functions are natural responses to the exercise of monopolistic power by one wing of the State. The British fought for freedom from monarchical tyranny, while the American colonies felt the rule of absolute Parliament as equally tyrannical. Every nation carves out its political system mainly keeping its immediate past traumatic experiences in mind. At a micro level, it can be easily hypothesized that while the Indian Constitution of the year 1950 and the institutions created thereunder were the responses to the challenges faced by the Nationalist Movement between 1857-1947, the revision of the same and a change in the contours of the institutions during 1972-76 (including the 42nd Amendment) were the responses to the challenges that India faced in its first three decades of independence. Similarly the challenges faced by the Indian nation during the period of 1975-77 are likely to be met again by the Constitutional Amendments proposed by the Janata Party.

The Indian Constitution framed as it was by leaders who under the influence of English ideas, adopted parliamentary democratic system. The ceaseless battle for human freedoms, more especially for those like personal liberty, freedom of speech, assembly and movement coupled with the enthusiastic desire of the national leaders to usher in an egglitarian society and the felt needs of the minorities etc., invariably made the constitutional framers think in terms of providing for the guarantee of fundamental rights and also establish a powerful

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institution to safeguard these rights. The constitutional framers perceived that the Supreme Court at the apex of the judiciary will be strong and powerful enough to protect the recently earned personal freedoms of the Indian citizens.

The nationalist movement had before it the primary target of political independence. The demands made in the first three decades of the present century focussed the civil and political rights of the individual and the establishment of a Supreme Court. The British Government turned down the demands for the incorporation of legal or constitutional rights as well as the creation of a Supreme Court. The former demand was turned down on the plea that it was against the British tradition itself and the second on the plea that it is highly difficult to get proper human resources to man a Federal Court and a Supreme Court. [1] However, the Government of India Act 1935 for the first time provided a legal right in respect of property. [2] This was more as a corollary to the demand of a section of the Congress Party to bring in agrarian reforms through the Karachi Resolution of 1931. Evidently the early socialist breeze brought a reaction from the British Government legalising the property right.

The two wings of the Congress party - the socialist and the non-socialist - that surfaced to the open in the mid-thirties tried to influence the policy goals of the Congress by their ideological moorings. The two groups, however, remained still combined under the leadership of Mahatma Gandhi, as the main goal of freedom was yet to be attained. Once this was achieved in 1947, the rift widened and their leaders naturally endeavoured to shape the constitution to suit their own ideologies. Liberals like Rajendra Prasad, Rajaji and Patel emphasized the guarantee of individual rights while socialists like Nehru, Pant and Prof Shah wanted that social interests should receive precedence. It has also to be acknowledged that the liberal view was older and the socialist view was younger in the aspect of time. The Constituent Assembly, however, found the debate between the two wings too strong to be ignored and thought it fit to compromise. [3] The result was the incorporation of guaranteed fundamental rights, non-justifiable directive principles, and writ jurisdiction of the Higher Courts. The Constituent Assembly as such did not favour any one particular philosophy of the two competing groups. It effected a compromise and left the issue to subsequent generations. The reopening of the issue started in the very first year itself, with the First Constitution (Amendment) Act and reached the climax in the 42nd Constitution (Amendment) Act. The proposed 43rd Constitution Amendmeat Act can hopefully be described as an anti - climax.

2. We will now see how the system has been changing since 1950. As earlier mentioned, the Constitution adopted a parliamentary system of Government. The nationalist urge for the freedom of the individual and also the geo-political needs of the nation required it to adopt the theory of division of powers between the Union and the States and separation between the Legislature-Executive and the Judiciary on

the other. The parliamentary system naturally narrowed down the gulf between the executive and the legislature and these acted almost unitedly throughout the history of independent India. Apart from the constitutional provisions and the system it ushered in, one has also to keep in mind the goals and aspirations of the Congress which held the reins of the nation since its independence. The party was wedded to certain ideological goals - one among them being socialistic pattern of society. Even the staunch liberals were not anti-socialist but were against coercive means to implement socialism. Prime Minister Jawaharlal Nehru, who was at once a democrat and a socialist, was not willing to brush away the sentiments of his colleagues or give up the path of socialism. A conflict between personal loyalty to equals and policy goals can be discerned in the mind of Jawaharlal Nehru. [4] He could convince the Constitutent Assembly that the socilistic goals would not impair the individual rights of the citizens arbitrarily, inasmuch as the restrictions imposed on the fundamental rights are made justifiable and reviewable by the judiciary. What he sought to exempt from judicial scrutiny was the take over of the large zamindaris. Words were not of course spelt on the above lines, but that was the spirit of the compromise formula offered by Nehru during the Constituent Assembly's discussion on the article relating to right to property.

3 As a compromise, the Supreme Court of India has been vested with all the powers that a Federal Court ought to possess. It was conferred with original jurisdiction to try disputes between the units of the federation and the Union and the States *inter se*. It was also conferred with jurisdiction to enforce the fundamental rights of citizens against the state. Added to these were the appellate and advisory jurisdictions of the Court in various matters. There was not much of a wrangle about the appellate or the advisory jurisdictin of the Court. The conflict mostly centred on the original jurisdiction of the Court and as such this paper has its focus on this aspect alone.

The Supreme Court's jurisdiction under Article 131 has been exclusive while that under Article 32 *was* concurrent with that of the State High Courts. Jurisdiction under Art. 131 extends to disputes between the Union and the States *inter se*, irrespective of their combinations. But the original Constitution itself barred the jurisdiction in respect of matters covered by the proviso of Art. 131 and articles 257, 262, 280, 290 and 363 (1). The Constitution did not further delineate or define the nature of the disputes which the Supreme Court might be called on to decide The Supreme Court too u ed rather a loose term that such 'legal rights' as would arise in the context of the Constitution and the Federation it sets up only, would be enquired into by it.[5] D. D. Basu has suggested that the right mentioned in Art. 131 must be founded on some rule of positive law as distinguished from political considerations with which the Courts have no concern. The right should be not only recognisable by law, but enforceable by the power of a State.[6] This type of exclusive jurisdiction is exercised by the highest courts in the federations of United

States, Switzerland, Australia[7] etc. But unlike in the United States or Australia this jurisdiction has rarely been invoked in our country during the last 26 years of the Republic. The case between the State of Sarikella and the Union of India instituted prior to the Constitution was dismissed for want of jurisdiction as the erstwhile State was found to have lost *locus* after the independence of India.[8] The State of West Bengal had instituted a case against the Union of India[9] in 1961 challenging the validity of the Coal Bearing Area (Aquisition and Development) Act 1957, and this was decided in favour of the Union. The lack of cases under this article is generally attributed to the fact of both the Union and the States being ruled by the same political party. But even during the period of 1967-71 which saw the advent of governments by different political parties at Union and State levels, only two cases have been brought up. The case between Mysore and Madras in respect of river waters and the case between Andhra Pradesh and Orissa in respect of certain border areas were subsequently withdrawn and settled out of Court at political level.

The period between 1971-76 again saw one party dominance in India and the differences among States were settled through party channels. However, with the victory of Janata Party at the Union level in the elections of March 1977, the nation witnessed the rule by different parties at different levels. The dissolution of the Assemblies of the nine States ruled by the Congress Governments, and the appointment of Inquiry Commissions against some of the State Chief Ministers gave scope for some disputes. But the cases filed by members of the dissolved State Legislatures against the Union of India failed to get the approval of the Supreme Court on the ground that this was a political dispute and that the petitioners had no legal right to be ruled by a particular government. The case filed by Mr. Devraj Urs, Chief Minister of Karnataka against the institution of the Grover Commission also did not succeed. The action of the Union Government in appointment of the Commission was amply covered by item no. 45 of the Concurrent List of the VII Schedule of the Constitution and so the legislative or executive competence of the Union Government in the matter is beyond question.

What really became a source of conflict in respect of the original jurisdiction of the Court were the matters covered by the treaties signed by the Princes of the erstwhile States of Princely India. The jurisdiction of the Court was invoked by many aggrieved Princes in isolated cases right throughout but they failed to get positive response from the Court till the end of 1970.[10] These matters were treated as political and not legal to attract the attention of Art. 131. But the order passed by the President of India under clause 22 of Art. 366 derecognising the princes of India and withdrawal of their privy purses and privileges was challenged in the Supreme Court on the plea that the President had no power to withdraw the recognition of a ruler and it violated the fundamental rights of the Princes as citizens. The Government of India challenged the very maintainability

of the petition and countered it on other grounds as well. The Supreme Court sustained the petition and ruled that Art. 363 did not bar relief to the petitioners. [11] The Government of India felt that the Court had exceeded its jurisdiction and abolished the privy purses and privileges by passing the 26th Constitution Amendment Act in 1971. We may, however, note in this context that a serious debate and negotiations were going on for a long time before to abolish the purses and privileges of the Princes and the stalemate in these negotiations compelled the Government to bring forward a Constitution Amendment Bill in 1970 which was lost by a fraction of a vote in the Rajya Sabha. The Government made the issue a part of the manifesto of the Congress Party during the elections for the V Parliament. So what really happened in 1971 was the constitutionalisation of the idea that influenced the ruling generation of the Sixties.

There was another area where the Supreme Court was conferred with exclusive original jurisdiction. According to Art. 71 (1) of the Constitution, all doubts and disputes arising out of or in connection with the election of President or Vice President shall be enquierd into and decided by the Supreme Court whose decisions shall be final. There have been election petitions in this regard after almost every election of these incumbants, but in none of these cases, the Supreme Court thought it fit to interfere. The prolonged case against President Giri did not produce any reaction by Parliament. But this jurisdiction of the Court is taken away by an amendment of the Constitution in 1975 as a consequence of the judgment of the High Court of Allahabad [12] unseating Mrs. Indira Gandhi from the constituency of Rai Bareily. The amendment was brought forth while an appeal against this judgment was pending in the Supreme Court. The amendment barred the jurisdiction of any court in India to any dispute relating to the election of incumbants occupying the offices of the President of India, Vice President of India, the Prime Minister and the Speaker of the Lok Sabha. Had this amendment been brought forth immediately after the election petition against Mr. Giri was dismissed or after a favourable disposal of Mrs. Indira Gandhi's appeal by the Supreme Court, it would have been possible to delink it wtth the result in the case of the latter's election. But the very fact that this was done exactly at the time during which the appeal was pending at the Supreme Court allows an inescapable conclusion that the amendment had before it the objective of safeguarding the personal interests of Mrs. Indira Gandhi rather than saving the prestige of the office of the President or the Prime Minister. There was a vacuum in this regard for some time and the real motto appears to be more to abolish the scope and opportunity to get the election dispute heard by a competent and impartial tribunal. The Government withdrew the jurisdiction of the Court but failed to exercise the power to establish a separate tribunal for settlement of disputes so withdrawn from the jurisdiction of the judiciary. Mrs. Indira Gandhi's election dispute had legally abated, but no body can assert that the dispute qua dispute has abated. The Presidential Ordinances passed in January 1977 after the announcement of

elections to VI Parliament failed to get the approval of the new Parliament and the Janata Party thought it fit to restore the jurisdiction of the Supreme Court in this regard by enacting that the disputes in the matter of Prime Minister's election shall be heard and disposed by a Judge nominated by the Chief Justice of India.

The 42nd Constitution Amendment Bill that has recently been passed by V Parliament added a new category of original jurisdiction to the Supreme Court. The Government of India thought it fit to remove cases relating to central legislation from the purview of the State High Courts on the pretext that different judgments are being delivered by different High Courts on ths constitutionality of the Central Laws and ultimately these matters had to merit the attention of the Supreme Court to have a universal interpretation. The Amendment as such invested the Supreme Court with exclusive jurisdiction under Art. 131-A-1 to determine the constitutional validity of any central law. Similarly the State High Courts have been conferred with exclusive original jurisdiction to examine the validity of state laws, at the initial stage. However, where the validity of both central law and state law are in question, the Supreme Court under Article 131-A-2 shall exclusively dispose of the case. Similar jurisdiction under Article 139 A (1) in cases involving the same or substantially the same questions of law of general importance, was conferred on the Indian Supreme Court. This of course, is to be taken cognizance of only on the initiative of the Attorney General of India.

This amendment evidently cuts in to the jurisdiction of the High Courts. What actually happened is that the case is transferred from the state capital to the union capital at the initial stage itself and in the process the litigant is saved of a stage in his litigation. But the part relating to the withdrawal of the Supreme Court's jurisdiction in the initial stage in respect of state legislation, however, does not squarely conform to this argument. It can also be observed that the High Courts other than the High Court of Punjab were pronounced to have no such jurisdiction against central laws some time back, and Parliament resorted to the passing of the XV Constitution Amendment Act in 1963 to restore this jurisdiction to the High Courts. The 42nd Constitution Amendment Act passed in December 1976 reversed this positition.

4. Writ Jurisdiction : The Supreme Court of India under Art. 32 and the state High Courts under Art. 226 are empowered to issue directions, orders and writs including writs in the nature of *habeas corpus*, *mandamus*, prohibition, *quo warranto* and *certiorari* for enforcement of the fundamental rights incorporated in Part III of the Constitution. Article 32 is itself a fundamental right to invoke the jurisdiction of the Supreme Court in case of infringment of any of the fundamental rights. Actually under Art. 139, Parliament may empower the Supreme Court to employ the same process for any other purpose but it has preferred to curtail the jurisdiction of the Supreme Court by resorting to Constitutional Amendments rather than to increase it, The Supreme Court's power is

not restricted to the named writs in choosing remedies for the violation of fundamental rights complained of and no petition is liable to be dismissed because the petitioner does not specify a writ to or asks for an inappropriate one. The Supreme Court exercised this writ jurisdiction unhampered for a long time. Neither the existence of an adequate alternate legal remedy,[13] nor the existence of the same right in the High Court[14], prevented the entertainment of a writ under Art. 32. The remedy under this article is not discretionary but acknowledged to be a matter of right.[15] In 1962 for a time the Court refrained to exercise this power and refused the remedy to petitioners who had earlier approached the High Court and were denied such a remedy.[16] The principle of *res judicata* which is essentially a part of rule of law relegated the fundamental right under Article 32 to a subordinate position. This restriction was severely commented upon by jurists including M. C. Setalvad, the then Attorney General of India.[17] In the following year, the Court further restricted its writ jurisdiction to cases relating to enforcement of a fundamental right if only the order challenged is an invalid and illegal order but not on the ground of the order being erroneous.[18] But this type of reservations and other restrictions in the exercise of writ jurisdiction imposed voluntarily by the Supreme Court have been rarely followed. Some writers took a mild view and expressed that there have been only occasional deviations in this regard.[19] But a study of the author revealed that this is an underestimation and as a matter of fact the Court observed the self-imposed limitations of judicial review more in breach than in principle.[20] Some of the judges took upon themselves the role of a crusader and guardian of the fundamental rights and were apprehensive of major inroads being made into them by the legislatures. This attitude on the part of the judiciary naturally relegated the importance of the Directive Principles into almost obsolescence and the Government that felt equally committed to the Directive Principles found itself on a head-on collision with the judiciary. This naturally resulted in a series of Constitutional Amendments from the very first year of the Republic.

The Bihar High Court upheld the claim of a zamindar [21] for payment of due compensation for the property acquired from him by a link up articles 14 and 31. The Constituent Assembly was not in favour of allowing a review of the issue of compensation in such cases as per the compromise resolution. The Government under the leadership of Jawaharlal Nehru naturally took this as a challenge against their socio-economic policy and immediately reacted by amending Art. 31 suitably and adding a Schedule which covered a list of Acts that were precluded from judicial review. Even after this amendment the Court struck down the legislation[22] passed by the Bihar Government under the umbrella of entry 42 of List III of the VII Schedule which contained the words "Principles on which compensation for property acquired or requisitioned...is to be given" The Government had once again to resort to amend the wording in the entry in the VII Constitution Amendment Act in 1956. In

between these two amendments there were a series of judgments[23] rendered by the Supreme Court ordering payment of a higher compensation in certain cases of acquisition and requisition of property under Article 31. In this context, one has also to bear in mind the fact that Sardar Patel who shared the leadership at the top passed away in 1950 and Prime Minister Jawaharlal Nehru's goals were quite different from that of the former. Parliament under the leadership of Jawaharlal Nehru concluded that the issue of compensation should not be left to be finally decided by the Supreme Court if the Government's policy was to succeed, and brought forth the IV Constitution Amendment Act deleting judicial review of compensation in certain types of cases. Article 31 was further amended and the 9th schedule was enlarged. This move of Parliament appeared to have succeeded for some time especially till the close of Fifties, but the turn of the decade proved the efforts abortive as the Court found some other channels to grant relief to the petitioners in similar cases[24] and the Government had to further enlarge the area where compensation was not reviewable, by resorting to the 17th Constitution Amendment Act. The parties aggrieved by the Constitutional Amendments Acts in turn tried to challenge the very validity of these amendments without success in 1951[25] and again in 1965.[26] But after a change in the Chief Justiceship of the Supreme Court they recanvassed the issue in 1966 and this time were able to obtain a favourable verdict.[27] The Supreme Court under the majority judgment of the then Chief Justice K. Subba Rao sustained the plea against the amendment of fundamental rights and held that Parliament shall not thereafter abridge or take away the fundamental rights of the people. Apart from this judgment which could not be nullified by a Constitutional Amendment evidently because of a divided Parliament, the measures undertaken by the Government in respect of derecognition of Princes and Nationalisation of Banks also received a set back from the Supreme Court in 1970.[28] The judgment of the Court in the case of Shantilal Mangaldas case[29] in 1969 delivered by Justice Shah in respect of compensation can only be described as a silver lining behind the dark clouds. The Government had no other alternative but to seek the dissolution of Parliament and approach the people for a fresh mandate. The Congress Party made the amendment of the Constitution a major issue of their manifesto and was able to get itself elected with a landslide majority. The V Parliament undertook once again a drastic revision of the Constitution and passed the 24th to 30th Constitution Amendment Acts. The 24th Amendment asserted the power of Parliament to amend any part of the Constitution. The 25th gave respectability to the Directive Principle under Art. 39 and sought to safeguard the measures to implement it from attacks on the basis of articles 14, 19 and 31. The word 'compensation' which proved to be too mischievious was replaced by the simple word 'amount'. The 26th Amendment derecognised the princes and abolished their purses and privileges. The 29th and 30th Amendments brought further changes in the appellate jurisdiction of the Supreme Court.

These amendments were also challenged but with partial success. [30] The Supreme Court held that the decision in the Golaknath case is erroneous, Parliament has the power to amend any part of the Constitution except its basic structure and struck down the 2nd part of the 25th amendment relating to the declaration by the legislatures. This decision held the field till the end of 1976. The judgment of the Allahabad High Court unseating Mrs. Indira Gandhi on grounds of corrupt practices, we have seen, was nullified by appropriate amendments to laws and the Constitution. This was followed by a series of Acts in the wake of national emergency declared in June 1975 in respect of Preventive Detention, economic offences and elections which were also put under the purview of the 9th Schedule. The Schedule now covering 184 Acts became a shelter to laws against any possible review and nullification by the judiciary. The 9th Schedule can be aptly described today as a vaccine that grants immunity against judicial review.

It is necessary at this juncture to take a turn and look at the political situation of the nation. The Indian National Congress that obtained a massive mandate stood solidly behind the leadership of Smt. Indira Gandhi and demanded her continuance as the Prime Minister. The opposition tactics not only failed but were subjugated by the drastic implementation of laws and the curtailment of fundamental freedoms. The Congress Government resolved to have a serious relook into the entire Constitution and on the basis of the recommendations made by the Swaran Singh Committee ushered in the 42nd Constitution Amendment The discussions not only highlighted the seriousness with which the Government wanted to avoid delays in the implementation of its reforms, but also brought into focus the role that the much 'maligned' Courts have to play in future. Arguments inside and outside Parliament contained veiled threats against the judiciary and the Judges of the Supreme Court in particular. No opportunity was lost to impress on the judiciary that any further attempt on its part to tilt the balance would result in dire consequences. The supersession of three senior judges and the appointment of Mr. Justice A. N. Ray as Chief Justice of India in the year 1973, proves beyond doubt that the Government was serious enough in this regard. No. doubt Prime Minister Mrs. Indira Gandhi and the Law Minister Mr. Gokhale later tried to explain away and remarked[32] that they still respect the Supreme Court and its Judges. But the subsequent appointment of Mr. Justice Beg as Chief Justice of India, Superseding his senior Mr. Justice Khanna negate the spirit of these remarks.

The environment of emergency, possibility of the arrests of all dissenters, wholesome propaganda by the committed mass media, together presented a congenial picture of the amendment, and opposition to the amendment was brought to a subdued note. The opposition members in Parliament too thought it better to remain inactive rather than fight a losing battle.

The 42nd Constitution Amendment Act reasserted the supremacy of Parliament

in no uncertain terms to amend any part of the Constitution including its basic structure. It drastically curtailed the writ jurisdiction of the High Courts and the Supreme Court in respect of matters relating to public services, taxation, foreign exchange and customs, industrial disputes, land reforms, elections and civil supplies. These were to be exclusively determined by Tribunals to be constituted by Parliament. The consoling factor for the aggrieved parties in this regard is, however, the Supreme Court's power to entertain special appeals under Article 136 over the decisions of these Tribunals. But there is a lot of difference between the writ jurisdiction under Article 32 and the Special Appellate jurisdiction under Article 136. The former is mandatory and the latter is quite discretionary. The former is a fundamental right and the latter is dependent upon the Court being convinced about the serious error in the application of law leading to the committal of grave injustice.

The 42nd Amendment also enlarged the scope of Article 31-C and prescribed that any law purporting to implement any of the Directive Principles mentioned in Part IV of the Constitution shall not be challenged in any court of law on the grounds that it violates the fundamental rights provided in Articles 14, 19 and 31 of the Constitution. The amendment also inserted a new article 31-D giving power to the executive to ban and punish any anti-national activity or anti-national association and these too are not to be challenged on the ground of their being inconsistent with Articles 14, 19 or 31. In a way the 42nd Amendment minimised the further use of the 9th Schedule.

These amendments certainly strengthened the hands of the executive at the cost of the judiciary. The very process of accumulation of power brought in its wake untold misery to a number of people and more especially to those who failed to toe the Government's line of thinking. The emergency shielded the atrocities committed by Government in various fields by curbing individual freedoms of spech, press and judicial remedies. Once the parliamentary elections were declared and the curbs against press relaxed, the suppressed grievances naturally surfaced like a volcano and swept the Congress off its feet.

The Janata Party's reaction was naturally to undo the effects of the various amendments brought in during the emergency. Many obnoxious features (like Art. 31-D) were made into dead letters. The jurisdiction to try the election matters of the Prime Minister and Speaker was restored to the Supreme Court. The election matters of President and Vice President are also being brought back to the fold of the Supreme Court. The Janata Government has not constituted any special Tribunal to replace the jurisdiction of the High Courts or the Supreme Court in the matter of Fundamental Rights. The complete nullification of the effects of the 42nd Amendment would certainly take some time. By the time the process is complete which is only likely with another Constitutional amendment Act, the Supreme Court is sure to regain its powers, prestige and status.

5. **Conclusion** : Thus it can be seen that there has been a see-saw battle between the judiciary and the legislature right from the beginning of the Constitution. The challenges that were arising from the invocation of the fundamental rights through judicial review were responded to gradually by Parliament through Constitutional Amendments. It cannot be denied that the 24th, 25th, 39th and 42nd Amendments cut across the main bases of judicial review. The original jurisdiction of the Court both in the exclusive and the concurrent domain was significantly sliced. Even its status and prestige reached a low ebb as can be inferred from the repeated denunciations of the Court voiced by responsible individuals. But with the victory of the Janata party the prestige of the judiciary has once again gone up. There are a spate of Inquiries ordered by the Janata party to be chaired by prominent and retired members of the judiciary. The Bar too has become sufficiently vocal to seek the cancellation of the 42nd Amendment and even sought to take punitive action against the former Law Minister.

Another significant variant to be borne in mind is the set up of the political scene as reflected through the executive and the legislative wings of the State. Their responses to the problems can be described to have been more influenced by their own perceptions of the problem rather than the problem as such. The combined leadership's perceptions of the independence movement and the goals it fought for, naturally moulded the Constitution and the role of the Supreme Court. The subsequent leadership of Jawaharlal Nehru and the lukewarm support from the undivided Congress to his socialistic goals motivated Parliament to go slowly from one step to another and adopt a very cautious approach. The subsequent division of Congress, and the emergence of Mrs. Gandhi as an unquestioned leader, the ideological (or even personal ?) goals she set before herself, the continued challenges to her leadership from the opposition during the period 1967-75, naturally culminated in the 42 amendment and a restructured Supreme Court.

The Janata Party too is equally influenced by its own past experiences in this aspect. Continued humiliation at the polls, disappointments caused by failures to capture power, curtailment of freedoms of the members of the constituent parties, made them unite under a single banner suggested by Mr. Jayaprakash Narayan. Their own sufferings under the Congress raj in respect of personal freedoms made them react in a direction more conducive to the citizens than to the Government. Their attitudes towards democratic socialism and absence of antipathy towards the private sector, naturally made them declare their faith and belief in the individual freedoms against the power of the leviathan. A sense of innovation and a desire to establish a decent raj which would be advantageous to the party also in the long run, might also have motivated the Janata Government in taking the present steps which in no uncertain terms incidentally benefit the judiciary as an institution.

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INTER ACTOR CONFLICT RESOLUTION :

A STUDY OF COALITIONS IN ORISSA

* Dr. Sukadev Nanda

Conflicts as inevitable concomitants of Coalition

Coalition are devised by political actors mostly on the pragmatic consideration that without joint collaboration, their reaching the seat of power is problematic. In practical experience, as we know, almost all coalitional actors who resort to such a method do not believe that this is a convenient device for political control or social change. Internally, therefore, each actor strives to create a condition in which, it would be able to control the seat of power without any help of others. The psychology of promoting its own pay-offs in terms of winning popularity and public support in the positive direction, and exposing the shortcomings of the partners who are likely to be possible political rivals in the negative direction create a situation where the coalitional actors assume incompatible role-perception in terms of values, interests and political strategy. The process starts with the awareness of the partners that their normative expectations were contradictions of each other as also of the imperative necessity of postponing actions for their fulfilment. The behaviour of the coalitional actors in such a situation is coloured by 'cautious manoeuvres' in pursuing the 'scarce objective' without causing any injury to or destruction of the prospective rivals.

This situation is competitive rather than conflicting. It is competitive because the actors play the game according to expected norms. The competitive situation ends when one or more actors begin to flout the rules, and play the game in a manner forbidden by the rules. Hereafter the situation is conflict-ridden. Since the ultimate objective of each major actor in a coalition government is to create a condition conducive to his own prospects of managing the business without the assistance of others, conflicts are inevitable in coalitional regimes.

As Dubin[1] hypothesises, regular and continuous conflict between prospective rivals promotes some degree of institutiona-

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lisation. Conflict presupposes a dispute over normative agreements, and its continuance is indicative of a relationship or interaction between the contenders which leads to new normative patterns emerging to regulate the sphere of conflict. This sometimes leads to some sort of an abstract agreement between the actors as to the shared values by which they evaluate their conflicting objectives. Hence the necessity of institutionalization which serves as a means of bringing about a rapproachement without destroying the system of a coalition government.

Types of Conflicts

Conflicts between the major actors are possible mostly on basic values like ideological commitments and methods of social change as also marginal issues like non-ideological problems. Posting and transfer of particular officers in particular places, construction of new roads, distribution of relief materials and declaring particular areas as either cyclone-affected or flood-affected are example of the second type. Wise participants avoid conflicts over basic issues as long as they feel the continuance of the arrangement is functional from their point of view because "conflicts over basic values are likely to be dysfunctional in respect of system maintenance".[2] It is only when the actor or actors discover the sterility of system-maintenance or injury to their future prospects that they start challenging the basic values of the partners.

Non-ideological objections are the natural consequences in the process of governance. Even in one party government, the cabinet which constitutes the executive branch of the party is put to severe test by the organisational branch and the behaviour of the government is checked by party demands and expectations. Differences, in such cases, are sorted out by discussions in party meetings, and by the Prime Minister or the Chief Minister who is constitutionally and politically competent to check defiant behaviours beyond reasonable amendments. The case of Mr Mohan Dharia in Mrs Indira Gandhi's government at the Centre in March, 1975 is an example to the point. Besides, almost all members of the party have a common concern viz image of the party which they cannot afford to tarnish. Coalitions operate under different political parameters. Prime Minister or Chief Minister in Coalition governments exercises as much discretion as his colleagues agree to accept. Besides, the Coalitions are formed by a multitude of parties, and therefore individual interests and party interests are, sometimes, incompatible with coalition government's interests. That is why, the coalition governments try to institutionalize conflicts and establish regularized procedures for their resolution. These procedures or devices operate as long as the partners decide it to.

Mechanics of conflict resolution in India

We have witnessed in the coalitional experiments of India that differences at the inter-actor or interparty level have brought about collapse of some coalition governments like the coalitions headed by Mr Ajoy Mukherjee in West Bengal, and have

installed new coalitions with minimum changes in the components of the system as in case of the several coalition governments formed in Haryana and Bihar during the period from 1967 to 1971. It was probably because of such apprehensions or experiences that coalitions in India devised 'Mechanics of conflict resolution' in order to maintain continuity and stability of coalitions. These precautionary measures or 'mechanics of conflict resolution' had different nomenclatures like Samyukta Vidhayak Dal or S. V. D. United Legislature Party or ULP, United Front (U. F.) etc. These Dals or Fronts, are recent political innovations, and the coalition governments that had effective coordination among the partners had a good record of stability and continuity in India.

An attempt is being made here to examine the "Mechanics" adopted by the three formally structured coalition governments of Orissa for the resolution of their 'institutionalized conflicts".[3]

Conflict Resolution in Mantab Coalition (1959-61)

The Mahatab Coalition had a programme of action approved by the A.I C.C. in their special session held at Delhi on the 12th May, 1959 for implementation by the coalition government. Since the Ganatantra Parishad was a new party, its ideologies were yet to evolve, and whatever changes in the working of the government were suggested by the Ganatantra Parishad were accepted by the Congress Party. The differences faced by the coalition were non-ideological in as much as they related to distribution of spoils of the government. Since both the partners maintained their identity, each tried to maximise the pay-offs in terms of benefits and popularity. The Congress party under Mahtab's leadership had a mission at this stage in so far as it tried to facilitate the merger of the Ganatantra Parishad with the Congress, and thus spread the Congress net-work in western Orissa hitherto supposed to be the stronghold of the Ganatantra Parishad. The Congress party, till very late,[4] tolerated Mahtab's leniency towards the Ganatantra Parishad in matters of conflict.

Resolution at personal level

This coalition did not have any Co-ordination Committee, Conflicts were discussed, analysed and sorted out by an informal meeting of Chief Minister Dr Mahtab and Mr R. N Singh Deo, Leader of the Ganatantra Parishad Legislature Party. These informal meetings between Dr Mahtab and Mr Singh Deo sometimes preceded the Cabinet meetings Dr Mahtab, though he had declining control over his party, was still a dominant force, and Mr Singh Deo was the unquestioned leader of his Ganatantra Parishad at this stage, and nothing likely to disturb the power-equilibrium could succeed after these two leaders found out a solution satisfnctory to each of them. Mr P. K. Deo, M. P. belonging to the Ganatantra Parishad was also associated with such meetings whenever he was available at Bhubaneswar.

Unofficial Cabinet

The coalitional partners devised an 'Unofficial Cabinet' the members of which were those of the Coalition Cabinet. This unofficial Cabinet had considerable semblance with the United Front Committee or the Coordination Committee that evolved at a later stage. This unofficial Cabinet met one day before the meeting of the offlcial Cabinet and all the Ministers and Deputy Ministers of the Coalition government, as members of this Committee had free exchange of ideas, reflecting thereby the objections from the side of their party colleagues, and in course of discussion, conflicts could be resolved among them. Mr Nilamani Routray, the present Chief Minister who was a Minister of the Coalition government was the Secretary to the Cabinet, and as such, he recorded the minutes of discussion in the unofficial Cabinet meeting Almost all decisions of the Cabinet were taken at this stage, and matters that required factual information or bureaucratic expertise were left for discussion and decision in the official meeting of the Cabinet where normally the Chief Secretary as the Secretary to the Cabinet was available for consultation and opinion. It so happened that before going to attend the official Cabinet meeting, each member could get a cyclostyled copy of the proceedings of the meeting that hardly met for a few minutes. Sometimes, Dr. Mahtab and Mr Singh Deo met even before the unofficial Cabinet meeting was held if they apprehended troubles in the unofficial Cabinet meeting. The degree of good understanding and mutual trust between these two leaders was solely responsible for easy resolution of conflicts in the unofficial Cabinet meetings.

OBSERVATIONS :

This arrangement was admirable from several points of view. To begin with, it could ably conceal the inter-party differences from the civil servants like Secretaries including the Chief Secretary, and thus arrested percolation of politics from the political level to the official level. The bureaucracy was not given a chance to regulate its behaviour according to political importance of the Ministers, and thus, weakness of the political executive was not exposed before the bureaucrats.

Secondly, this arrangement ensured adequate moral courage and strength to the political executives who raised objections to specific issues and policies but ultimately failed in their attempts in as much as the bureaucrats who are their subordinates were not able to konw about it. Had the civil servants been present in the meeting of battles and counterbattles, the losing political executive would have lost in terms of strength and image before his subordinate.

Thus, probably because of this strength of the political executive and non-politicisation of bureaucracy. the coalition had a fairly good history of stability, though of course it could not survive the intra-party squabbles of the Congress. This mechanism could have been more effective had the Chief managers associated some other prominent party leaders who were not

Ministers or Deputy Ministers with the 'Unofficial Cabinet'. It may be objected that associating non-Ministers with this business would have been contrary to the Oath of secrecy but since this was an unofficial meeting and since almost all prominent leaders of parties were aware of the possible governmental decisions, such an arrangement would not have been an impediment.

Conflict resolution in Singh Deo Coalition (1967-71)

Singh Deo seemed to have learnt lessons from the failure of the Mahtab coalition government. He had some additional difficulties in 1967. The politicians whose prominence could not transgress the limits of the party level prior to 1959 had acquired a lot of significance in 1967. Mr. Pabitra Mohan Pradhan who was Singh Deo's Deputy Chief Minister and President of the Jana Congress Party in 1967 was far from prominent in 1959 when he was not even a Deputy Minister of the Coalition government. Mr. Surendranath Patnaik, the Jana Congress Revenue Minister of the coalition government was a persona non grata in 1959 but his reputation as a capable Minister, leader and party organiser had been well established in 1967. Among the non-Ministers of the coalescing parties, Dr. Mahtab with his experience as an administrator, prominent freedom fighter, political manoeuvrist as also a news-paper-owner was active in the Jana Congress party. Singh Deo therefore could not afford to dispense with Mahtab's association in the decision-making process. His mechanics of conflict resolution therefore differed from that of Mahtab.

Coordination Committee

Singh Deo appointed a 'Coordination Committee' consisting of almost all the prominent leaders of both the parties. This Coordination Committee, as Singh Deo said, was the "Executive Committee" of the United Legislature Party. The Chief Whip of the Legislature Party was its convenor. Unlike the unofficial Cabinet of the previous Coalition, the Committee had no fixed date or day for its meetings which could be convened by any member through a complaint sent to the Chief Whip. The Committee met as and when occasions arose. The meeting was informal and its proceedings, unlike its earlier counterpart, were not recorded. The Committee did not believe in voting and raising of hands. The complaints expressed their viewpoints and raised their voices against any Minister, and the concerned Ministers explained their official position and the justness of their actions. Finally, some sort of a compromise was arrived at without great difficulties since both the partners were anxious for the system-maintenance. In case of allegations about a Department's working or policies, the concerned Minister had to be present in the meeting.

Committees of Specialists

Besides this Coordination Committee, Singh Deo Coalition was probably aware of Maurice Duverger's[5] thesis that a Coalition government oftentimes tends to superimpose a second separation of powers upon that resulting from the constitution or nature of institutions. Each party associated with the coalition government tends to

demand a well demarcated sector of activity which has affinity with its electoral support or which will enable it develop political strategy. This explains the reason as to why the three tacit Coalitions in Orissa accepted the principle of distribution of portfolios to parties rather than to individuals, and the superimposition of this separation of powers created autonomous empires inside the government. Autonomous empires inside the government are indicative of lack of cohesion and proper coordination, and at times, are likely to be drifted from 'service orientation' to 'individual or party interest-orientation'. It therefore necessitates that the partners should, as far as possible, devise methods like mathematical rules, and these methods apart from guiding the power-operators in the right direction are likely to avoid situations of conflict. The Coalition government, therefore, appointed some 'Committees of Specialists' whose recommendations, as per the agreement of the partners were mandatory on the government. In this connection, the important committees appointed by the government included the Students' 'Unrest Committee', Natural Calamity Committee' etc. All these committees consisted of specialists in the field, and since their recommendations were binding on the government, the Departments' actions on the basis of such recommendations were unimpeachable and tension-easing.

Observations

Had not such specialist committees been appointed, the parties that experienced loss of themselves or the gains of their rivals in the functioning of the coalition government would have adopted 'neutralisation tactics', and probably the proud privilege of being the longest coalition would have been denied to the Singh Deo Coalition. The Specialist Committee therefore constituted a wonderful mechanism of conflict resolution.

The other force responsible for creating lesser tension and conflicts was probably Singh Deo's personality and position in his party vis-a-vis the Jana Congress leadership. He stood on the rock of solid support of his Swatantra Party. Because of this, manoeuvres from the Jana Congress side were lessened and the Jana Congress agreed to resolve conflicts at reasonable concessions or compromises.

Conflict Resolution in Das Coalition (1971-1972)

The Das Coalition retained the main features of the Singh Deo coalition in matters of conflict resolution, and made some further additions and alterations. During this Coalition's stay in power, whatever differences were there, were mainly between the Utkal Congress and the Swatantra party whereas the other ally i. e. Jharkhand party was hardly interested in conflicts. Since Mr Biju Patnaik was the unquestioned master of his Utkal Congress party, despite his stay outside the formal power structure, it was rather he than Mr Nilamini Routray, the leader of the Utkal Congress Legislature party that was politically significant. As Mr Singh Deo pointed out in an interview with him, a meeting of Mr Biju Patnaik, Mr R. N. Singh Deo and the Chief Minister Mr Das prior to the meeting of the Coordination Committee

could solve all the major issues facing the Coalition. This meeting, Mr. Nilamani Routray said, had two-fold impact on the Coalition viz-the parties to the disputes put forth their view-points when their top leaders supported them in the Coordination Committee. This preserved the intra-party solidarity. Secondly, the Coalition Government could escape from imminent fall when decisions mainly on the top leaders' prior understanding were taken. Despite charges and counter-charges in the Coordination Committee, the coalition faced no real conflict since the top managers of the parties resolved the conflicts behind the scene, and determined their modalities of behaviour before they came to the Coordination Committee. This system worked well, and the Coalition died a premature death only when the two major partners like the Swatantra and Utkal Congress conspired against the Chief Minister Mr Biswanath Das.

Issues before the Coordination Committee
Basic Values :

Conflicts over basic values being destructive of system-maintenance, the Coalitional partners were cautious on this score but political socialization or for that matter superficial socialization (a twilight zone) of political values agitated the minds of the partners. The use of the term 'superficial socialization' here is deliberate in as much as coalition implies compromise at ideological level. The major partners of the Coalition viz Swatantra Party and Utkal Congress party had contradictory value-commitments and professions on issues like Bus passenger's tax and the Abolition of Privy Purse. The Utkal Congress advocated abolition of privy purse even without any compensatory payment in the electoral campaigns of 1971 whereas the Swatantra party throughout India upheld the cause of Privy Purse continuance. The ratification of the Constitution (24th Amendment) Bill, 1971, in the Orissa Assembly engendered a conflict where the Swatantra party wanted the Utkal Congress to oppose the passage of the Bill but the latter declined to oblige. This conflict was on basic values, but since the passage or defeat of the Bill did not involve the future of the Coalition, the Coordination Committee permitted the Utkal Congress to vote according to conscience. On the other hand, the Utkal Congress was almost forced to support the Bill imposing Bus Passenger's Tax though its election manifesto was vehemently opposed to it. That was probably because demonstration of real 'political socialization' would have brought about a fall of the Coalition by the defeat of the Bill which the Swatantra party took to be a prestige issue.

Nature of issues that came (in general)

Transfers and postings of Officers claimed a lot of time in the Coordination Committee. Whenever the transfer of an officer disturbed the prospect of one partner or any of its M. L. As it was usual for the concerned party to allege that such a transfer was based on partisan considerations. Such conflicts could however be resolved in the Coordination Committee without much difficulty.

Opening of new schools, dispensaries and starting developmental works also consumed much time in the Coordination Committee.

Thus, it would be evident that this Committee had almost no ideological conflicts to resolve. One could therefore reasonably hypothesise that the conflicts that the coalitional partners had were mostly on the question of distribution of spoils. The concern of the coalitional actors seems to be revolving round the gearing of governmental mechinery to their personal benefit in terms of building a support-structure or acquiring extra legal benefits.

Issues that could not come to Coordination Committee

Some issues generating conflict could not come before the Coordination Committee. Since portfolios were allotted to parties rather than to individuals, their administration was supposed to be a monopoly of the concerned parties. Whether a partner liked the method of the other or not, it had to show apparent respect in order to promote mutual non-interference. Though the Utkal Congress was opposed to the Kendu-leaves policy of the Swatantra Forest Minister, the matter could not come before the Coordination Committee as Mr. Ainthu Sahu declared it a prestige issue based on the basic principle of mutual non-interference. Similarly, the restriction on food-grains movement inside Orissa was disapproved by the Swatantra party, and even then, the Swatantra party could not bring the issue before the Coordination Committee since the administration of food supplies was entrusted to the Utkal Congress Minister Mr. Nilamani Routray.

United Legislature Party

Besides the Coordination Committee, a joint session of the coalescing parties was also convened to take policy decisions of great importance and resolve conflicts among the coalition partners. One of these meetings was convened on the 18th May, 1972 though of course the Chief Minister was kept in darkness about this meeting, and the meeting could not ultimately be held because of counter-forces operating against Mr. Biju Patnaik who wanted to replace Mr. Biswanath Das as Chief Minister of the coalition government.

Conclusion

It may be observed that Unofficial Cabinets, Coordination Committees, Personal meetings and United Front Legislature Party meetings worked well and ensured the continuance of the coalition government as long as none of the top leaders felt interested in their fall. In other words, these mechanics of conflict resolution became ineffective only when the functioning of the coalition government had adverse impact on the prospects of any one of the top leaders. Coordination in order to be effective and scientific should be based on the whole-hearted cooperation of all concerned. In Orissa, whenever prominent coalitional actor realised that the continuance of the coalition government was either dysfunctional or value-neutral from his prospects point of view, he refused to cooperate, and adopted techniques to neutralise the impact

of the mechanics of conflict resolution. Thus all coalitions in Orissa have failed before the expiry of the normal period of time. This was the fate of the Coordination Committee of Singh Deo's regime in regard to the controversial Kendu-leaves rebate order in December, 1970, and the prominent actor who precipitated the conflict was Dr. Mahtab. Continuance of the coalition government from his point of view was sterile since it failed at the cabinet level to reject the Mudholkar report which perturbed him and put him under the constant nightmare of enquiry by a full-fledged Commission of Inquiry. He developed indifference towards the problems of Co-ordination, and on the other hand, he and his followers worked day and night for the fall of the coalition government. Earnest and sincere cooperation and coordination from his side became impossible.

It may not be improper to say that had the conflict on Kendu-leaves rebate order arisen before the publication of the Mudholkar report, it could have been resolved between the two coalitional partners without much difficulty. Similarly, Mr Biju Patnaik who wanted to replace Mr Biswanath Das as Orissa's Chief Minister in May, 1972 failed in his attempts due to adverse political and constitutional forces. His desire to inject elements of dynamism and meaningfulness to the coalition by giving his own leadership to it was frustrated. He and his followers became indifferent to the problems of the coalition and its coordination, and the Congress (R) party took advantage of the situation by encouraging and engineering defections from the coalescing parties. It may not be an exaggeration to say that had the Congress (R) encouraged defections of this type prior to Patnaik's failure to replace Mr Biswanath Das, all sorts of manipulation, mental and physical, would have been made by him, and probably the process of disintegration of the coalition would not have been so easy and immediate. Patnaik's "entrusting the fate of Orissa to the able hands of Mrs Indira Gandhi" on the 9th June. 1972 may also be interpreted as his 'trial and error' method for assuming Orissa's Chief Ministership and rejoining the party which expelled him in a painful situation.

Conflicts on basic values have been rare, and rarer still has been the rigid adherence of their champions in Orissa, thus indicating lack of real political socialization among the coalitional partners who avoided displaying respect for their professed values in the interest of prolonging their stay in the seat of power. The nature of conflicts that came before the coordination committees also speaks eloquently of their role-perception and political socialization.

As regards the relative working-strength of the devices contrived by the different coalitions, the 'Unofficial Cabinets' of Mahtab coalition seem to be more functional than their counter-parts in other coalitions. Singh Deo's 'Coordination Committee' was based on more reasonable and prudent considerations but his coalition had to counter the moves of a 'master manoeuvrist' and the split of the Congress at the all India level, and the commission

reports added to his difficulty. Mahtab coalition faced Patnaik's manoeuvres only, but Singh Deo encountered Patnaik, Mahtab and the all India Congress (R) leadership. Das coalition confronted even worse manipulations in as much as the Central Government, Congress (R) leadership, Dr. Mahtab from outside the structure and Mr. Biju Patnaik and Mr. R. N. Singh Deo as also Mr. Nilamani Routray from inside the structure conspired against his government. Whereas the 'Unofficial Cabinet' of Mahtab coalition and 'Coordination Committee' of Singh Deo Coalition could have a rational claim of being 'Super Cabinets', Das coalition's devices failed to have any such claim in as much as some controversial matters were either left unresolved or were prevented from coming to the coordination committee. Besides, being an Independent Member of the Orissa Legislative Assembly, he was, in reality, the Leader of a one-man party, and thus he had lesser powers to persuade, cajole, bargain or threaten.

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REFERENCES :

1. See Dubin R — *Industrial Conflict and Social Welfare* in Journal of conflict resolution, 1957.
2. Castles Francis G — *Politics and Social Insight* : Routledge and Kegan Paul (Lond), 1971, Page 94.
3. Ibid, Page 76.
4. November 1960 when the Ganatantra Parishad in its annual session at Hinjilicut resolved to maintain its identity and not merge with the Congress party.
5. For details, See Duverger Maurice — *Political Parties*, Page 401-2.

SOME PROBLEMS OF POLICE CONSTABLES

AN EMPIRICAL SURVEY

* S. Sammaih Chary, M. A.

The word Police is derived from the Greek word 'Politeia' which means a system of regulation for the preservation of order and enforcement of Law. This is mostly in respect of matters affecting the general comfort, health, morals, safety and property of the people. Any Government in order to carry out its policies like health, education, economic development etc. must frame specific laws to regulate different aspects of public life and order.

The Police is becoming increasingly important because of anti-social forces, communal tensions and economic problems. No country can develop unless there is an effective agency to prevent internal disturbances. The limited resources of the Nation can be utilised for the development in an orderly society. The government makes the policies for the welfare of the people and the police is to maintain law and order and see that there is no hinderance to the implementation of the policies of the Government.

The Police are civil servants entrusted with the duty of protecting individuals against any form of oppression victimisation or crime. They have to prevent disorder and defend society from dissidents who decline to be bound by the general standards of the conduct accepted by the majority of the law-abiding citizens. They have to remove all the obstructions and impediments to the free and smooth flow of social life. In the ultimate analysis, they have to protect the state itself and uphold the sanctity of the Constitution.

Further, they must protect roads, railways, fields, forests, mines, communication lines, industrial plants, irrigation canals and other assets which help the economic development of the country. They must also look after the public health measurements. This indicates the dependence of the society on Police for its survival and growth.

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ORGANISATION OF POLICE

Inspector General of Police
↓
Deputy Inspector General
↓
Superintendent of Police
↓
Deputy Superintendent of Police
↓
Circle Inspector
↓
Sub Inspector
↓
Head Constable
↓
Constable

The Police set-up in Andhra Pradesh is largely based on the Madras District Police Act of 1859 and recommendations of the Police Commission of 1902-1903. The present organisational pattern is as follows.

The Department is headed by an Inspector General of Police who belongs to Indian Police Service. He is assisted by five to six D. I. Gs. and City Commissioners. Each D. I. G. is the head of a range which consists of 2 to 5 districts. Each district is headed by a Superintendent of Police, who in turn is assisted by one or more Assistant and Deputy Superintendents. The District is further divided into sub-divisions which are under the control of Deputy Superintendents of Police. The Sub-Divisions are divided into Circles each under the charge of an Inspector. Each circle consists of a nnmber of Police Stations which are under Sub-Inspector of Police. The Sub-Inspector is assited by a Head Constable and a number of Constables. There is no fixed strength of each Police Station since it depends on the population of the area.

THE CONSTABLES

The police station, as indicated above, is the lowest field unit which is charged with the responsibility of Law and Order, Crime Control, Traffic Management, Checking anti-social elements etc. In other words, the objectives of the Police Administration, to a large extent, are realised by this unit which is manned by a Sub-Inspector and Constables. It is on the efficiency, attitudes and skills of the constables, that the image and performance of Police Administration depends; for, he is the person who is in direct contact with the community.

SCOPE AND METHODOLOGY

Even though Police Administration plays such a predominent role, not much research has been done on police in general and on lower levels in particular. It is for this reason the problems of constables in Police Administration is selected as an area of study for this paper.

The study broadly covers the aptitude of the constables in the job, facilities and prospects in the job, problems they have in their professional and domestic fields. It is hoped that this study would contribute to an understanding of the problems of constables which is largely a neglected area of administration.

TABLE 1

Reasons For Joining The Service

S. No.	Reasons	Frequency	Percentage
1.	Financial Reasons	68	56.67
2.	No other alternative	31	25.83
3.	Interested in job	21	17 50
	Total	120	100.00

The above table shows the reasons for joining the service. 56 67% of the respondents joined the service because of financial reasons, 25 83% joined because of no other alternative and only 17.50% joined because of interest in the nature of work. It indicates that a majority of the constables joined the service because of financial reasons and other reasons but not interest in the nature of work.

TABLE 2

Facilities To The Constables

S. No.	Response	Frequency	Percentage
1.	Facilities given	15	12.5
2.	Facilities not given	105	87.5
	Total	120	100 00

To a question about the facilities, 12.5% of the respondents said that they were given facilities, while 87.5% of them said that they were not given any facilities. It shows that majority of the respondents are not provided with any facilities.

TABLE 3

Facilities Tne Constables Want

S. No.	Group	Frequency	Percentage
1.	Housing facilities	65	54.17
2.	Employment for their children	10	8.33
3.	Free Education for their children	14	11.67
4.	Loan for Land, Business etc.	19	15.83
5.	Don't want any facilities	12	10.00
	Total	120	100.00

The above table deals with the facilities the constables expect from the Government. 54.17% of the constables want housing facilities, 8.33% want employment opportunities for their children, 15.83% want a loan for Lands, Business or for marriage purpose, 11.67% want free education for their children and 10% do not want any facilities.

TABLE 4

Promotion Opportunities To The Constables

S. No.	Group	Frequency	Percentage
1.	Got promotion	21	17.5
2.	Did not get promotion	66	55.0
3.	In promotion list	5	4.17
4.	Failed in the promotion test	11	9.16
5.	Not eligible for promotion	12	10,00
6.	Waiting for results	5	4.17
	Total	120	100.00

The above table indicates about the number of the constables who secured promotinn. 17.5% of them secured promotion, while 55% of them did not secure any promotion. However, 4.17% of them are in the promotion list, 9.16% of the respondents failed in the promotion test. Only 10% of the constables are not eligible for promotion, 4.17% are awaiting the results of promotion test.

TABLE 5

Awareness Of The Role Of The Police

S. No.	Degree	Frequency	Percentage
1.	Extremly Good	28	23.33
2.	Good	63	52 50
3.	Not good	14	11.67
4.	Do not know	15	12 50
	Total	120	100.00

The above table deals with the awareness of the constables of their role. 23.33% constables' awareness of the role is extremely good, 52.5% is good, 11.67% is not good and 12.5 per cent do not know the role of the police. The author categorised the respondents under four categories depending upon the nature of the responses. For extremely good the responses such as to protect the life, morality in the public and the wealth of the nation are included. Responses such as protecting of public wealth and life are categorised under good, protecting public is under not good and failure to give any reply is categorised under do not know.

TABLE 6

Facing Some Problems

S. No.	Group	Frequency	Percentage
1.	Yes	48	40.0
2.	No	72	60.0
	Total	100	100 0

Table-6 indicates that 40 per cent of the constables are facing some problems in their job. While 60 per cent said that they have no problems.

TABLE 7

Types of Problems the Constables Facing

S. No.	Group	Frequency	Percentage
1.	24 hours duty	30	62.50
2.	No leave in time	9	18.75
3.	No rest and no fixed duty	9	18.75
	Total	48	100.00

Table-7 deals that the opinion of those constables who are facing the problems 62.50 per cent of the respondents are facing the problems of 24 hours duty, 18.75 per cent said they do not get leave in time, and 18.75 per cent said they do not have rest and any fixed duty.

TABLE 8

Police Opinion on Public Attitude Towards Them (Police)

S. No	Group	Frequency	Percentage
1.	Unreasonable	nil	—
2.	Friendly	112	93.33
3.	Indifferent	8	6.67
4.	Hostile	nil	—
	Total	120	100.00

The table-8 deals with the opinion of the police on public attitude towards them. Out of 120 respondents none of the respondents said that the public is unreasonable in their actions. 93 33 per cent of the respondents said that public is friendly, 6 67 per cent of the constables said that the public is indifferent towards the police. None of the raspondents said that the public is hostile.

TABLE 9

Rewards for Good Service

S. No.	Type of Rewards	Frequency	Percentage
1.	Cash, Good Service Certificate and Medals	1	0.83
2.	Cash and Good Service Certificates	28	23.33
3.	Cash	32	26.67
4.	Good service Certificates	15	12.50
4.	Nil	44	36 67
	Total	120	100.00

The above table shows the unmber of respondents who secured various rewards. Only one respondent got cash, Good Service Certificates and Medals, 23.33 per cent of the constables got Cash and Good Service Certificates, 26.67 per cent of the respondents got Cash rewards, I2 5 per cent got good service certificates. There are also 36.67 per cent of the respondents who did not get any other rewards.

TABLE 10

Family Burden on the Constables

S. No.	Number of dependents	Frequency	Percentage
1.	1 to 3	14	11.67
2.	4 to 6	41	49.16
3.	7 to 10	41	34.17
4.	11 and above	4	3.33
5.	Nil	2	1.67
	Total	120	100 00

Table-10 shows the family burden on the constables. 11.67 per cent of the respondents are having dependents between 1 to 3, 49.16 per cent between 4 to 6, 34.17 per cent are having the burden between 7 to 10 and above 11 is 3.33 per cent, only 1.67 per cent do not have the burden of the dependents. Obviously 90 per cent of the family burden on the constables is between 4 to 10.

TABLE 11

Preparedness to Quit the Job

S. No.	Response	Frequency	Percentage
1.	Yes	22	18.33
2.	No	98	81.67
	Total	120	100.00

Table-11 shows the preparedness of the constables to quit the job. 18.33 per cent of the respondents said that they are prepared to quit the job and join any department other than the police department. But 81.67% of the respondents are not prepared to quit the job. It shows that an overwhelming majority of the constables are not prepared to quit the job.

TABLE 12

Reasons for Preparedness to Quit the Job

S. No.	Reasons	Frequency	Percentage
1.	Not interested in job	5	22.72
2.	Low salary	9	40.91
3.	24 hours duty	8	36.37
	Total	22	100 00

The above table shows the reasons to quit the job, 22.72 per cent of the respondents expressed willingness to quit the job because they are not interested in the job and 40-91 per cent of the respondents because of poor salaries and 36.37 per cent because of 24 hours duty.

TABLE 13

Reasons for Un-Preparedness to Quit the Job

S. No.	Reasons	Frequency	Percentage
1.	Interested in job	27	27.55
2.	Inadequate Education	13	13.27
3.	Because of long service	58	59 18
	Total	98	100 00

The above table shows that the reasons for unpreparendness to quit the job. 27.55 per cent of the constables are not prepared to quit the job because they are interested in the job, 13.27 per cent because of their inadequate education, and 59-18 per cent of the respondents because of their long service. Obviously it shows that the majority of the respondents do not want to quit the job because of reasons beyond their control.

TABLE 14

Suggestions To Make Police More Effective

S. No.	Suggestions	Frequency	Percentage
1.	More salaries	38	30.00
2.	Fixed duty (8) hours	30	25 00
3.	Effective supervision of officers and public support	9	7.50
*4.	Common facilities	20	16 67
5.	Interest in job	18	15.00
**6.	Others	7	5.83
	Total	120	100.00

The table-14 shows the suggestions to make the police more effective. 30 per cent of the constables said that giving higher salaries would make the police more effective, 25 per cent thought fixed duty hours would improve their efficiency, 7.5 per cent expressed that effective supervision of the officers and good public support would make the constables more effective. Finally 5.83 per cent of the respondents said that

* Means housing facilities, Ration etc.

** Daily one duty, better education.

daily one duty and better education etc. would make the police more effective.

The police have to function for the maintenance of Law and Order and the protection of those who need it. They can successfully carry them in a democratic state, provided they are in tune with the public needs and get co-operation from public.

There is a need to improve the salary structure of the constables which cannot favourably be compared with the other departments. This is necessary if better qualified people are to be attracted for this job. The study reveals that the educational qualifications of the constables is very poor.

As far as promotional opportunities are concerned, 17.5 per cent of the respondents could secure promotions while more than 82 per cent could not get any promotion for one reason or the other. Limited promotional opportunities do damage the morale of the Police Constables.

About the awareness of the role of the police, 23.33 per cent have extremely good awareness and 52 per cent good awareness. Only about 24 per cent do not have proper awareness of the role. However, for this analysis the author used his discretion which, from scientific point of view, is not adequate. This had to be done as there was no other alternative.

To the question, given an opportutity whether they would like, to quit the job, 85 per cent of them said they would not quit the job and gave the reasons such as interested in the job, because of long service. etc. Those who desired to quit the job gave reasons such as poor salary, inadequate education and long hours of duty etc.

About the suggestions to make police more effective, they suggested better salaries, reduction in duty hours, public support, effective supervision and greater facilities for police constables.

Municipal Elections : A Plea for List System

* Dr, Sudesh Kumar Sharma

India has adopted the method of Universal Adult Franchise for most of the Elections : The advocates of this method claim mathematical accuracy in reflecting popular opinion and consider it the most democratic and just method of election Tbe Parliament becomes a mirror of public opinion - Lord Acton has observed that the method of proportional representation is "profoundly democratic, for it increases the influence of thousands who would otherwise have no voice in the government, and it brings men more near to equality by so contriving that no vote shall be wasted and that every voter shall contribute to bring into Parliament a member of his own". On the other hand, the political efficacy of this system is seriously questioned wherever it has beentried. Laski is of the opinion that the difficulties of the modern state cannot be remedied by reform of electoral machinery. Dicey thinks that the mathematical representation of all sorts of opinion is highly objectionable. We, have, never, seriously thought of trying any other system except the one in vogue. The main emphasis of the present attempt is that List System may be tried at some of the select Municipal Committees for some years. Urban Local Government gives a variety of structural forms over limited areas with definite population, Even if the method is given a trial at the contonment level, this exercise will not be in vain.

Under the List System, all candidates are grouped in lists according to their party labels and every party offers a list of its candidates upto the number of seats to be filled for each constituency. The voter has to select the party of his choice and by voting for that party he automatically votes for the list submitted by the Party and for the candidates thereon in the order in which the party has determined the list of the candidates. The seats are divided among the parties in proportion to the number of votes each list has secured,

When the subject was broached at the central level, it was mentioned that List System cannot be effectively introduced. In a vast country like India with a huge population of about six hundred million and an

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electorate of about four hundred million, proportional representation in any of its variety would only create chaos and confusion and may lead the country to the brink of disaster need disintegration. However, at the local level such fears may not be entertained. Again it is pointed out that from the standpoint of exact representation alone, the system is no doubt better than single-member constituencies but still it is not free from defects. First, the actual majorities and minorities may still not be proportionately represented in the house. Second, certain small minorities may still not be represented at all. At the local level, only the local issues should dominate. Therefore, it would not be fair to apply the universal experience over here.

It is not that the List System is exceedingly simple, since the voter needs only select the party he likes and by selecting it he votes for the entire list of candidates of the party he has selected. To some it would create an impression that the Party leaders become much more important as the electorate has nothing to determine and decide. Normally List System has not worked well wherever it has been introduced. Recently some modifications have been offered to it and in a number of countries the voters have been allowed to indicate their own preferences. Recently the modified scheme has been adopted in Italy and in certain parts of Austria. Swiztzerland continues to experiment with the system, of course by giving considerable freedom to its voters, permitting them to substitute names on the lists.

No system is perfect and many weak points of the List System are being brought to light. Professor Esmine says,"To establish the system of proportional representation is to convert the remedy supplied by the bicameral system into a veritable poison, it is to organise disorder, and emasculate the legislative power, it is to render cabinets unstable, destroy their homogeneity, make parliamentary government impossible." This is going too far. The Government offered to Parliament, in October 1940 and renewed in October 1941 that "it will be the desire of His Majesty's Government when a Central Election again becomes practicable to give sufficient notice for the creation of a new register, and this interval will also afford opportunity for Parliament to consider, if it so desires, questions connected with changes in our electoral system." The proposal could not materialize, but the question of introducing the method of proportional representation is still alive. In 1964, the Leader of the Liberal Party declared that he would press for its introduction. Again, it is feared that the system destroys the national character and makes divergent sectional interests dominate. All issues deliberated upon are discussed not with reference to their bearing on the general well-being of the nation, but from the point of view of a particular group or interest. In this way legislation is paralysed as group legislation inevitably tends to increase class legislation.

To sum up, the argument of this paper is that the academicians and administration who have collected here to deliberate on the Electoral reforms may consider the feasibility of trying this system at the local level. The fears and the weaknesses which have been pointed above relate mostly to the national or State scene but the disadvantages of higher levels can or may become the advantages at the lower level. In any case, heavens are not going to fall if any municipal area of Union Territory, if this idea is given a trial. When India is known for its diversity in many fields, what is wrong if different systems prevail at different levels.

DOCUMENTS : REPORTS AND COURT CASES

THE COMMISSION OF INQUIRY CASE - a postscript

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The Commission of Enquiry case,[1] coming as it does close on the heels of the Assembly dissolution case evoked country-wide interest not only because it raised important and novel issues in constitutional law but for the political overtones with which it was contested.

Can the Central Government institute a commission of Enquiry against State Ministers in office and who still command a majority in the legislature ? Can this be done even when a commission constituted by the State is functioning ? Does it not impair Centre-State relationship as outlined in the Constitution. These questions were raised and debated at length before a seven judge bench of the Supreme Court. Although Commission going into actions of ex-ministers are legion this is the first time in our constitutional History when a Central Government Commission was asked to enquire into official acts of State Ministers in office and which was challenged in the court. The facts leading to the case were as follows :

Consequent upon the result of the elections held to the Karnatak Legislative Assembly in 1972, the Congress formed the Government with Sri Devraj Urs as the Chief Minister. In the 1977 elections the Congress, which was hitherto in power at the Centre lost the majority and Janata Government came to power. However in Karnatak parliamentary elections 26 out of 28 seats were won by the Congress.

Several opposition members in the Assembly submitted a memorandum to the Union Home Minister alleging nepotism, favouritism and corruption against the Chief Minister. This was forwarded to Shri Urs for comments who repelled the allegation as frivolous and politically motivated and raised incidently important questions of Centre-State relations.

By a notification dated the 18th May, 1977 issued under Section 3 (1) of the Commission of Enquiry Act, 1952 the Karnatak Government appointed a commission of Enquiry consisting of Sri M. I.

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1. State of Karnataka Vs. Union of India (1977) 4 SCC

Hussain, a retired judge of the Karnatak High Court for the purpose of conducting an enquiry into the allegations specified in the notification. On May 23, 1977 the Government of India appointed a commission of Enquiry under the same Act consisting of Sri A. N. Grover, a retired judge of the Supreme Court to go into the allegations contained in the notification.

The present suit was brought by the State of Karnatak under Article 131 of the Constitution impleading Union of India and Sri A. N Grover as defendant No. 1 and No. 2 respectively.

The State of Karnatak contended that the Government of India had no jurisdiction or authority to constitute the Commission purporting to act under the Act of 1952 : that the appointment of such a commission to enquire allegation against the Ministry enjoying confidence of the legislature was destructive of the federal structure of our constitution and its scheme of distribution of power, that the impunged notification is ultravires. It also prayed that section 3 of the Act, itself ought to be struck down as unconstitutional.

In their written statement the Union Government raised a preliminary objection to the maintainability of the suit on the ground that the appointment of the Grover Commission did not in any way affect the legal right of the State of Karnatak. Counsel further argued that the subject matter of both the enquiries were different and the appointment of the Central Commission was not destructive of the federal structure.

Three issues were framed by the Court :

1. Is the suit maintainable

2. Is the Central Government's notification valid.

3. Is section 3 of the Act constitutional.

The leading judgement was delivered by Beg C. J. As to the first issue the Court held that the suit was maintainable The second and third also were answered in the affirmative. On merits however, the suit was dismissed.

It may be recalled that the Union of India took a preliminary objection to the maintainability of the suit on the ground that the appointment of the commission did not affect the legal right of the State of Karnatak on which its locus standi depended.

Article 131 provides for original jurisdiction of the Supreme Court in any dispute

(a) between the Government of India and one or more States

(b) between the Government of India and any State on one side and one or more States on the other

(c) between two or more States

if and in so far as the disputes involve any question (whether of law or fact) on which the existence or extent of a legal right depends.

Counsel for the union of India sought to make a distinction between "State" and "State Government" and attempted to persuade the court to reject the plaint at the threshold as the stipulations of Article 131 (a) were not met. But a majority of judges, I believe rightly, refused to accept such a "hairsplitting" distinction. Whereas BegCJ thought that the distinction between the two entities, was at the most between the whole and the part and held consequently that the claim of the Government would be that of the State, Chandrachud J (as then he was) adhered to his views which he took in the Assembly dissolution case and refused to test the constitution on, what he calls "the anvil of banal rules" which govern maintainability of suits under the Civil Procedure Code. The State Government had asserted a right to exclusively appoint a commission) at the same time denying the right of the Union Government. This he found sufficient to attract the provisions of Article 131. Bhagwati J was more forthright. While conceding the theoritical distinction between the "State" and the 'Government' he found it unrealistic to insist on the distinction as it related to the interpretation of Article 131. Quoting Willoughby (The Fundamental concepts of Public Law, Page 49) he held that 'government' is the agency through which the will of the State is formulated, expressed and executed. The State is intangible and invisible. The State exercises its executive power through the Government he also held cuncurring with the majority that it was not necessary that a right of the plaintiff must always be asserted. It is sufficient for the purpose of Article 131 if defendants's legal right is denied, that, he pointed out, what precisely the State of Karnatak had done.

Untwalia J took a contrary view and held that since the Central enquiry was directed against the Chief Minister and his colleagues, who are 'officers' of the State no State right was involved and article 131 was therefore not attracted. But this is pure formalism. For the Ministers are not public servants. Their actions are clothed with the dignity and authority of the State. The Government consisting of Ministers and responsible to the legislature represents the people State is after all an abstract entity and can will nothing. As Beg CJ pointed out there is nothing in Art. 131 itself to debar the state which must always necessarily act through its officers. agents or ministers, from suing the Central Government to protect them from being proceeded against. Untwalia J's interpretation of the scope of art 131 would virtually reduce it to a dead letter and destroy a precious safeguard against arbitrary central action.

The preliminary objection thus disposed of, the court went into the vires of the Central notification. One of the points urged by the plaintiff was that since its own commission was enquiring into all matters and irregularities the action of the Union Government appointing another commission to go into the matter already covered by the State commission was bad in law and the Central Government notification was therefore ultravires section 3 of the Act. Reliance was placed on the proviso (b) to section 3 (1) of the Act which prohibits the Central Government from appointing another

commission 'to enquire into some matters for so long as commission appointed by the State Government is functioning, unless the Central Government is of the opinion that the scope of the enquiry should be extended to two or more States. By a 6 to 1 majority (Kailasham J dessenting) the court rejected the argument. The court held since the two notifications covered different grounds the Central notification could not be said to be barred by reason of the appointment of the State Commission. It was next argued by plaintiff that exercise of such powers by the Centre was opposed to the federal and democratic features of our constitution and consequently against the basic features of that document. The court was also urged to read down section 3 of the act so as to preclude interference by the Union Government with the operations of the State Government.

Repelling the contentions the majority held that our constitution was quite different from the constitutions of other federations There is no basis, the court said, for the argument that the express provisions of the constitution relating to the federal structure, distribution of the executive and legislative powers, joint responsibity of the State Council of Ministers, the State legislature's exclusive control over their action and conduct of affairs of the State Government are infringed by the Central notification. As to the doctrine of basic structure the court held that it was at best a canon of construction and did not add anything to the constitution, and in any case ordinary statutes had no application to the doctrine. It is sufficient that parliament had legislative competence to enact a law on "enquiries", a term which is used without limitation upon their nature or specification of their character and object. It was therefore wide enough to cover every kind of enquiry. In the result the court held that the notification and section 3 of the Act were both valid.

While agreeing with the majority as to the maintainability of the suit Kailasham J appended a vigorous dissent. To him the main question that was raised in the suit was one of Centre-State relationship. He concedes that the Indian Constitution is not strictly federal and the Union Government does have certain overriding powers under article 356 and can even issue directives to the States under article 256 and 257 But he held, that did not make the States delegates of the Union. The source of power for both is the constitution. In their own field the States are supreme. The Centre cannot exercise any power over the state which is not provided for in the constitution either expressly or by implication.

The question that arises in the case is whether the Union Government can order an enquiry into the Governmental function of the State which is not specifically or impliedly conferred on the Union by the constitution. The answer must be in the negative. Such a power cannot be discerned from any of the entries in the lists of the seventh schedule. If such a power is conceded to the Union it cannot be denied that the State Government will also have power to legislate empowering itself to enquire into the conduct of Union Ministers.

It certainly could not be the intention of parliament to bring about such conflicts between the Union and the State. That is why he argued the proviso to Section 3 (1) addresses prohibition to both the Central and State Government. In the result he held the notification ultravires.

There is a lot of force in the arguments advanced by Kailasham J. Significantly none of the judges in the majority answered the question what if the State Government appoints a commission to enquire into the official conduct of a Union Minister ? Chandrachuda J does mention the possibility but did not pause to answer.

The contention of the majority that our federation is unlike any other is unexceptionable. But it is equally true that the States have been recognised as distinct entities in our constitution. The sphere in which each of them function are clearly demarcated, notwithstanding what Beg CJ calls the 'Amphibian' nature of the Union. The fact remains that a Central Enquiry into the official conduct of State Minister will impinge on the scope of the executive powers of the State and is bound to distort centre-state relation as envisaged in the constitution. Surely it was not the intention of the constitution makers to promote conflict between the two sets of Govt. A construction which furthers the intention of the framers must be preferred to one which defeats it. With increasing demands for State autonomy raised of late it appears that the last word has not been said.

POLITICAL PROCESS DAY BY DAY, 1977

(Compiled by the Department of Political Science, Sambalpur University, Jyoti Vihar, Burla, Orissa)

August 1

(a) The Prime Minister Mr. Morarjee Desai while opening a two day conference of chief ministers in New Delhi made a strong appeal for the eradication of the evil of untouchability.

(b) The former Chief Minister of Maharashtra Mr. S. B Chavan resigned from the Congress and joined the newly formed Maharashtra Samaj Wadi Congress.

(c) Mr. Jaya Prakash Narayan warns that democracy will be in peril unless 'people's power is strengthened'.

(d) A few comunists of Kerala and Tamil Nadu met at Nager Coil and formed the All India Communist Unity forum.

(e) The central prohibition committee called for placing prohibition in the concurrent list by an amendment of the constitution, and recommended that a time bound programme may be drawn up by State governments for materialising the ideal of complete prohibition within four years.

(f) Mr. Desai told at the Chief Ministers' conference that a strong centre was "a binding fact" for the country. But he did not want to curtail the powers of the states, for "a strong centre with weak states would lead to dictatorship".

August 2

(a) The Chief Ministers' conference held at New Delhi reached a consensus in a number of issues including formation of a CIVIL RIGHTS Commission and a police commission.

(b) Mr. Binayak Acharya, former Chief Minister of Orissa was unanimously elected President of the Orissa Pradesh Congress Committee at the General Body meeting where Mr. V. B. Raju, General Secretary of the AICC was the observer.

August 3

(a) The Janata Party president, Mr. Chandrasekhar declared that his party will not use MISA.

(b) The Punjab and Haryana High Court stayed the arrest of former Defence Minister, Mr. Bansilal and his son Surinder Singh, M.L A for three days.

August 4

(a) Lok Sabha adopts the finance bill disregarding the amendments voted by Rajya Sabha.

(b) Tarun Kanti Ghosh, the former Home Minister of West-Bengal joined in Janata Party.

(c) U. P. move for quick justice to people. The U. P. government is seriously considering a proposal to form committees at village level and give them certain powers with a view to providing quick justice to the people.

August 5

(a) The Home Minister Mr. Charan Singh proposed a committee consisting of 5 members of Parliament for the study of Lokpal Bill.

(b) Mohan Dharia, the Commerce and Civil Supply Minister, urged the states to develop a monitoring system under which they can get periodical reports from districts as the fluctuations of prices of essential commodities.

(c) Mr. Binayak Acharya, President of the Orissa Pradesh Congress Committee announced the reconstitution of all member executive committee. Mr. Laxman Malik and Mrs. Sairindhri Nayak are the Vice-President and Treasurer of the executive committee.

(d) Most of Akali members of the coalition government in Punjab are opposed to have a common Governor for Punjab and Haryana.

August 6

(a) The Lok Sabha witnessed a stormy debate on a censure motion against the Home Minister Mr. Charan Singh, Mr. Charan Singh expressed that he will resign if the allegation involving his son-in-law was proved right.

(b) Mr. L. K. Advani the information and Broadcasting minister declared that a working group on converting All India Radio and Door darshan into autonomous organisations was to be appointed soon.

(c) Mr. Jaya Prakash Narayan is disturbed over the squabbles within the Janata party and told that the party appears to be failing in its 'historic mission".

(d) Mrs. Indira Gandhi gets big support at party show.

(e) India has been sounded on joining a United Nations peace-keeping force in Zimbabwe in terms of Anglo-American proposal.

(f) A Janata member alleged in the Lok Sabha "with all sense of responsibility" that there was an attempt by intelligence agencies in the election eve to get Mr. Jagjivan Ram immobilised in hospital by declaring him a heart patient.

August 7

(a) The Loksabha rejected by a voice vote the censure motion moved by the Congress against Home Minister Mr. Charan Singh, after a congent and reasoned reply by the Prime Minister.

(b) Movable property worth about Rs 4 lakhs of Bansilal has been seized.

(e) Mrs. Indira Gandhi's supporters appeared to have met with a set back in the move to use the dinner party tactics to bring the former Prime Minister back to Centre of the Congress party leadership.

(d) The Law Minister Mr. Santi Bhushan told the Rajya Sabha that the government would bring forward the 43rd constitutional amendment bill in the next session to repeal the 42nd amendment Act which weakens democracy.

August 8

(a) A bill to give statutory negotiation, salary and other amenities to leaders of the opposition in both the houses of Parliament was introduced by the Parliamentary Affairs Minister Mr. Ravindra Verma.

(b) The Janata party president Mr Chandrasekhar declared that his party is committed to protect the interest of the Harijans following the footprints of the father of Nation.

(c) Andhra Pradesh Governor urges more power for State governments.

August 9

(a) The Congress working committee opposed the Nuclear policy of Janata Government by adopting three resolutions.

(b) The Union cabinet disapproved any major change in the 1956 Industrial resolution.

August 10

(a) The West Bengal Finance Minister Mr. Ashok Mitra said that the centre-state relations on financial matters needed a revision in the context of the changed socio-political situations in the country.

(b) The Congress and the C.P.I. members walked out of Rajya Sabha accusing Mr. Charan Singh, Union Home Minister as anti Harijan.

August 11

(a) Mr. Y. B. Chavan, Leader of the Opposition in Lok Sabha told reporters that Mrs. Gandhi will not be expelled from the party as this may lead to disunity in the organisation.

(b) With the induction of 15 more ministers - seven of cabinet rank and the rest ministers of states - the strength of the Bihar ministry headed by Mr. Karpoori Thakur increased to 26.

August 12

(a) The Prime Miaister Mr. Morarji Desai is believed to have nearly completed talks with senior Janata party leaders on

the expansion of the present 20 member - council of ministers.

(b) Mrs Purabi Mukherjee elected as Bengal P.C.C. Chief.

(c) Mr. Gopiram, a prominent Congress worker urged Mr. Jagjivan Ram, Defence Minister, to dissociate himself from rightist elements in the Janata party which were allegedly responsible for atrocities on Harijans.

(d) Important Marxist leaders have had an exchange of views with the Prime Minister on the atrocities on Harijans and the language issue.

August 13

(a) Mrs. Purabi Mukherjee, the President of West Bengal Pradesh Congress Committee dropped Mr. Nurul Islam and Mr. Nityanand Dey as General Secretaries.

(b) Mrs. Nandini Satpathy, the former Chief Minister of Orissa was charge-sheeted in the court of judicial majistrate. Cuttack under section 5 (2) of the Prevention of corruption Act and Section 161 IPC by State Vigilance Organisation.

August 15

(a) Mr. Jagannath Mallick, the Chief Whip of Janata Legislative party in Orissa decides to from forum of Harijan and Adivasi members of Orissa Assembly.

(b) The C.P.I. (M) politburo has charged the centre with "dragging its feet" on the bonus issue and held "some" union ministers responsible for it.

(c) The C.P.I. (M) is opposed to impose Hindi on non-Hindi speaking people. Mr. Pramod Das Gupta, the Marxist leader told this while expressing the party's language policy.

August 16

(a) Twentythree ministers of State were administered oath of office and secrecy by the President, Mr. N. Sanjiva Reddy, at a simple swearing-in ceremony at Rastrapati Bhavan.

(b) The Union Finance Minister, Sri H. M. Patel called for people's involvement in breaking the 'vicious circle of poverty' and their vigilence to eliminate corruption to bring about far greater results in rural development than what a programme imposed form above would achieve.

August 17

(a) Mr. Morarji Desai told that his government is determined to stamp out in five years the scourge of untouchability that often led to atrocities on 'our Harijan brethren".

(b) Mr. P. C. Sethi, Mr. Yaspal Kapoor, Mr. R. K. Dhavan, Mrs. Indira Gandhi and six others were arrested by the Central Bureau of Investigation under the Prevention of Corruption Act.

August 18

(a) Punjab and Haryana High Court granted the interim Bail given to Mr. Banshilal and his son Surinder Singh, M.L.A.

(b) The strength of Bihar ministry was increased to 35 with the swearing in of nine ministers, Six of Cabinet rank and three of the state ministers rank.

(c) The Union cabinet decided to set up a four member committee to examine the proposal for the revision of the 42nd Amendment Act, 1976.

August 19

(a) The West Bengal P.C.C. President Mrs. Purabi Mukherjee held that Mrs. Gandhi should stay out of politics for some time for the public resentment over the excesses committed by her during the emergency.

(b) Banshilal's fresh petition for anticipatory bail was rejected by the Punjab and Haryana High Cou t.

August 20

(a) The three day session of the Janata party's Working Committee discussed the economic issues such as inflation, scarcity of essential commod ties, labour unrest, bonus and Dearness Allowance, Economic and industrial policy and urban and rural unemployment.

August 21

(a) Mr. Justice P. N. Bhagwati of the Supreme Court dismissed the application by Mr. Jaswant Chauhan for the condonation of the one day delay in filing a petition challenging the election of Mr. Morarji Desai to the Lok Sabha from the Surat constituency in Gujarat.

(b) Mr. Yaspal Kapoor, M.P. arrested in the alleged Congress party funds embezzlement case was granted bail by Mr- O. N. Bohra, Special Judge.

(c) The Bihar Government set up a cell headed by K. B. Saxsena, Special Secretary of the Home Department to protect Harijans, Adivasis and other weaker sections.

August 22

(a) Finance Minister Mr. H M. Patel announced the issue of five year National Development Bonds carrying 13% interest.

(b) The Karnataka Minister for Education Mr. M. Mallikarjun Swamy resigned from the Ministry.

August 23

(a) The Congress President, Mr. Brahmananda Reddy said that his party would extend 'unqualified' support to the Sheikh Government both inside and outside the legislature.

(b) Mr. Jaya Prakash Narayan has said in an interview that he personally believes that Mrs. Indira Gandhi's political career is over.

(c) The Janata Party working committee asked the government to appoint a Minorities Commission and a Commission for Scheduled Caste and Scheduled Tribes.

August 24

(a) Mr. K. Sriramulu, Karnatak's Minister of State for Fisheries resigned.

August 25

(a) The Janata party announced the formation of a 15 member Economic policy committee.

(b) The Committee on News agencies suggests two separate News Agencies - Sandesh in English and Varta in Hindi.

August 26

(a) The Janata Party President announced the formation of 3 new Janata committees, such as Boarder States Committee, Election Campaign Committee, Committee for Formulatory Code of conduct for Janata legislators.

(b) Sanjaya Gandhi's petition for exemption from personal appearance in the Court of Special Judge, Mr. O N Vohra in the polymix case was rejected by Delhi High Court.

August 27

(a) Mr. Banshilal was granted a bail by the district magistrate and session judge, Mr. R. S. Gupta for a personal bond of Rs. 30,000/- and two security bonds of Rs. 15,000/- each.

August 28

(a) The Delhi High Court dismissed two petitions by Mr. Sanjay Gandhi and Mr. V. C. Sukhla former I. B. Minister in regard to the 'Kisa Kursee Kaa'.

August 29

(a) The leader of West Bengal Assembly Opposition, Kashikanta Maitra suggested for a National debate on centre-state relations.

(b) India strongly deplored action by Israel to establish new Israels settlements on the West Bank of Jordan and regularise the existing ones.

(c) Mr. Bhaamati Jha Azad former M. P. demanded the resignation of the Union Minister Mr. Charan Singh for his failure to protect the interest of the S C. and S. T.

August 30

(a) Mr. K. H. Patil, the Karnatak Pradesh Congress Committee President suspended Mr. Aziz sait, Transport Minister and K. V. Shivaih, the party whip in the Assembly from the primary membership of the party.

(b) The eighteenth National Conference of the Indian Federation of working Journalists (IFJW) has pledged to build itself up as a powerful and vigilant sentinel of the freedom of the press and of the basic rights of the people.

August 31

(a) The Punjab and Haryana High Court issued a notice of contempt of court against Mr. Banshilal the former Defence Minister.

(b) Mr. Nanaji Deshmukh, the General Secretary of the Janata party told Newsmen that question does not arise as to the merger of RSS-Janata.

(c) Mr. M. R. Krishna, Rajya Sabha Member from Andhra Pradesh resigned from the Congress and joined the Janata party.

September 1

(a) Mr. Manoharlal, M. P. will be the Chairman of the Haryana Janata Party, It was decided by the Observer Mr. Biju Patnaik and the proposal was sent to the party president Mr. Chandra Sekhar for approval.

September 2

(a) The Delhi High Court to-day dismissed a petition filed by Mrs. Sushila Dixit and Mr. Chitrakant Jaysawal challenging the membership of Parliament as well as the Ministership of Mr. George Fernandes and Mr. Madhu Dandavate.

(b) The Prime Minister Mr. Morarji Desai, will convene a meeting of the Chief Ministers of Rajasthan, Punjab, Haryana, U. P. and Kashmir to bring about an amicable agreement on the Their Dam Project.

(c) Two senior advocates of the Supreme Court criticised the Union Home Minister's statement about the possible deletion of the provision of anticipatory bail from the criminal procedure code.

September 6

(a) Congress Crisis in Karnatak deepens as the open warfare between the chief Minister's supporters and the central leadership causes a deadlock in the Pradesh Congress Organization over the matter of imposition of Mr. K. H. Patil as President of P. C. C.

(b) The Akali leader and President of the International Sikh Council Mr. Jagjit Singh said that his organisation will extend support to any struggle made to achieve for Punjab, the Status of an autonomous state within the framework of Indian constitution.

(c) Janata Units in Tamil Nadu, Orissa and Pondichery are reconstituted.

Mr S. V. Laxmanan - President of Janata Party in Tamil Nadu
Mr. Biswanath Pandit - President of Janata Party in Orissa
Mr. Subramaniya Padayachi - President of Janata Party in Pondichery.

September 7

(a) Mr Shanti Bhusan, the Union Law Minister said that MISA may be retained to curb anti social elements.

September 8

(a) The Congress President Mr. Brahmananda Reddy, appears to have isolated himself from other senior party Leaders over the issue of his handling of the Karnatak affairs.

September 9

(a) Supporters of Mr. Urs, Chief Minister of Karnataka, are making a renewed bid for requisitioning the AICC to discuss the building of the State Congress Crisis by Mr. K. B. Reddy, Party President.

(c) After the revised population figure of S. C. & S. T. three more seats in Lok Sabha and 37 in various state Assemblies are proposed to be reserved for S. C and S. T.

(d) Mr. Rajani Patel, the former President of the B.P.C.C. criticised the Janata Party for the unnecessary expenditure of the government by appointing various commissions to investigate Congress funds.

September 10

(a) The AICC General Secretary Mr. V. B. Raju told his men that the Congress would not shield any one in connection with the Party funds cases.

]b] The Karnataka Chief Minister Mr. D. Urs announced that a new President will be elected on September 28, 29 in place of Mr. K. H. Patil.

[c] The working Committee of the M. P. Unit of the Janata Party disapproved the State Ministry's decision to reserve seats in Medical Colleges for the children of Political detenue held under MISA during emergency.

[d] Being, disgusted with the Congress Party Mr. M. K. Kallappe, a member of the Karnataka Assembly has resigned from the Party.

[e] The talks between former Gujarat Chief Minister Mr. H. Desai and Mr. R. Advani to resolve the crisis in Gujrat Congress has been dead locked.

Septembee 11

]a] The discontentment among Haryana's Janata leaders over the composition of the State level adhoc Committee Mr. B. R. Tayal, M L.A. Hissar, being dissatisfied with them, resigned from his post.

September 12

[a] Over 70 of the 198 members of the Congress Legislature Party of Karnataka decided to disown the Chief Minister Mr. Devraj Urs.

[b] S. K. Patil, a leader of the Congress [O] which has now merged in the Janata Party advised his followers to revive the Congress [O].

[c) Mr. Bala Saheb Deovas R.S.S. Leader confirmed that the R.S.S. would not merge with any party.

September 13

(a) Mr. Bhagwat Dayal Sharma a former Chief Minister of Haryana, has been appointed as governor of Orissa and Mrs. Jyoti Venkatachalam as Governor of Kerla.

(b) The Supreme Court issued notices to Mr. V. C. Shukla former Union Minister and other four senior officials of the Ministry to show cause why criminal proceedings should not be launched against them for furnishing false reports and affidavits to the Supreme Court about the film "Kissa Kursi Ka".

(c) Mr. J. P. Narayan has advised the R.S.S. either to disband itself and merge with the Youth and Cultural Organisations of the Janata Party or to open its door to members of all communities.

(d) The Chief Minister of Karnataka Mr. Devraj Urs met Mrs. Gandhi, Mr. Y. B. Chavan, leader of the Congress Parliamentary Party and did not call on the Congress President Mr. K. Brahmanand Reddy. Mrs. Gandhi assured her support to Mr. Urs, but Mr. Chavan said he will support the one who will win in the P.C.C.

September 14

(a) In the three-day session of the Janata Parliamentary Party, Mr. Morarji Desai and Jagajivan Ram appealed the party men for party unity.

(b) The Congress President Mr. Brahmananda Reddy told newsmen after talks with Mrs. Gandhi on the Karnatak crisis that both the fanctions - one led by Mr. Devraj Urs, the Chief Minister, and the other led by the P.C.C. President Mr. K. H. Palit, must work together. This was the decision of the Parliamentary Board end it stands without any change.

(c) Mr. K. H. Patil, the K. P. C. C. President, has called on Congress men not to attend the General Body meeting of the P C.C. called by the Urs group on September 26th.

(d) Inaugurating a 'Hindi Diwas' celebration orgnaised by the Parliamentary Hindi Parishad, the Prime Minister Mr. Desai said that Hindi can not be imposed on non-Hindi-speaking people. But he was confident that real India can only be built up if Hindi is adopted as the National language.

September 15

(a) The Union Home Minister Mr. Charan Singh said to the leaders of United Front of Nagaland that the Assembly Election in Nagaland will be held in November.

(b) The Karnataka Chief Minister Mr. Urs said that there was no change in the decision to call a General Body meeting of the K.P.C.C. on September 26 by his supporters to elect a new President in the place of Mr. K. H. Patil.

(c) Four members cabinet committee headed by Mr. Charan Singh was formed to suggest changes in the 42nd Amendment Act.

(d) Mrs. Nandini Satapathy, former Chief Minister of Orissa, was granted anticipatory bail by Mr. S. N. Mishra, District and Sessions judge Cuttack, in the two cases registered against her by the vigilance.

September 16

(a) The Janata Party President Mr. Chandra Shekhar reconstituted the Karnataka Pradesh Janata Party with Mr. H. D. Deva Gouda as its President.

(b) Mr. H. T. Reddy, General Secretary of the K.P.C.C. threatened to seek the permission of the Party High Command to file an affidavit against the Chief Minister Mr. Devraj Urs. before the Grover Commission or any other competent authority to expose his 'misdeeds' for which he has sufficient evidence.

(c) The Polit buro of rhe CPI (M) in a statement called the 42nd amendment as "illegal, anti-people and designed to serve the purposes of an authoritarian regime. It also urged the Janata Government to rescind the 42nd Amendment without delay.

September 19

A fifteen member committee was constituted in Punjab unit of Congress (O) to revive the organisation.

September 20

Barring the United Damocratic front, most the of political parties of Nagaland,after discussing with the Home Minister Charan Singh, preferred the postponment of the Assembly elections beyond November.

September 21

(a) The executive Committee of U.P. Unit of Yuba Janata condemned the reported statement of Subramanyam Swami, the Janata M.P. that the Yuba Janata was a pocket organization of Mr. Madhu Limaye.

(b) Mr. Narendra Pal Mathur was appointed as the Lt. Governor of Mizoram.

September 23

(a) The Chief Minister of Jammu and Kashmir, Sheikh Abduallah said that he would not have any confrontation with the centre, whatever be the hue of ruling Party.

(b) Mr. Bhagbat Dayal Sharma took oath of office as Governor of Orissa at an impressive and colourful ceremony held at Rabindra Mandap, Bhubaneswar.

September 24

(a) Mr. Haricharan Singh Brar, former Governor of Orissa was sworn in as Governor of Haryana at the Raja Bhavan at Chandigarh to-day.

(b) Mr. Jaisukhlal Hathi, was sworn in as the Governor of Punjab at an impressive ceremony at Raj Bhavan at Chandigarh.

(c) The speaker of Sikkim Assembly, Mr. C. S. Roy, resigned from his office.

(d) The Chief Ministers of Bihar Mr. Karpoori Thakur said news men that he will undertake a five days fast from October 2 for self purification. He also added that he was undertaking the fast "to create an atmosphere of peace and discipline in the Labour areas and University Compus.

September 25

(a) The Union Home Minister Mr. Charan Singh, addressing a Press Conference, said that Mrs. Gandhi would not be arrested unless she was found guilty, by the investigating Commission.

(b) Mr. Devaraj Urs, the Chief Minister of Karnataka said that the P.C.C. should have the right to elect its President.

September 26

(a) The General body of the K. P. C. C., convened by the Chief Minister, Mr. Urs, served an ultimatum to the convene a P. C. C. Meeting before October 15. It is

clear that the Urs group will press for the election of a new President of the P.C. C. in the place of Mr. K. H. Patil.

(b) The Sarkaria Commission inquiring into the corruption, excesses and misuse of power by the former DMK Chief Minister of Tamil Nadu, Mr. Karunanidhi and some of his cabinet colleagues concluded to-day. It is expected that the Commission will submit its report by the end of November.

September 27

(a) The Union law Minister Mr. Shanti Bhusan asserted that there was no question of supersession involved in the appointment of Mr. Justice D. A. Desai to the Supreme Court.

(b) Mr. Justice J. B. Meheta, one of the three judges of Gujrat High Court, whose seniority has been overlooked in the appointment of Mr. Justice D. A. Desai as Supreme Court judge, did not attend the Court to-day.

(c) The M. P. Govt. has promulgated an ordinance under which a person can be detained up to three months if the state Govt. or district Magistrate is satisfied that such detention is necessary to prevent disorder.

September 28

(a) A delegation of the A. P. dissident Congress Ministers met the Central Congress leaders for democratically electing a new P. C. C President. This Delegation was led by Mr. P. Ranya Reddy, the Finance Minister of A. P.

(b) Mr. Yash, former excise and taxation Minister of punjab was arrested by the Vigillance police of Bhatinda District, under Section 5(1) (D)(E) headed with Section 5(2) of the prevention of Corruption Act and Sections 406, 409, 468, 471, 477-A and 120-B.

(c) Mr. H. D. Deve Gowda, the President of Karnataka Pradesh Janata party, told that his party is ready to face election at any time. He is alleged to have said that the Urs Ministry should be sacked and President's rule be imposed forthwith.

(d) Mr. Madhu Limaya, General Secretary of the Janata Party, has ruled out the emergence of the two party system in the couutry in the prevailing situation. .

(e) The eminent Jurist Mr. C. K. Daptary, is alleged to have stid that there should be no Public controversy in the appointment of Mr. D.A. Desai as Judge of the Supreme Court, because it was done with the advise of the Chief Justice of the Supreme Court.

BOOK REVIEWS

ANTHONY CARTER "Elite Politics in Rural India"

(Vikash Publishing House Pvt. Ltd., Delhi-1975, pp. 207)

India comprises of villages with Multi Caste, multi religion and tribes where about eighty percent of its population reside. Yet, most of the social-scientists, have devoted their attention towards the study of urban society. They call urban society as the 'centres of civilization and power'. No doubt cities are the 'vehicles of recorded history, the repositories of learning and conservators of law and custom'. But it does not mean that rural areas are empty in culture and other activities. Once villages were the citadel of heaven, the beginner of civilization and culture. Villages were the creator of human civilization and mother of cities of to-day. On account of this, Anthony Carter's book 'Elite Politics in Rural India' is a unique contribution towards the study of rural societies of India.

The book Elite Politics in Rural India has been divided into three parts. Part I deals with the problems and general background of the region : Girvi, Phaltan taluka and Western Maharastra where the author had clearly stated every necessary matter in a scientific way.

Part II of the book deals with the political arenas and the political class, caste status; distribution of land, labour, credit and share capital. In this part the author has never forgotten to describe the descent groups and affinal networks. He made distinction within the dominant Maratha caste between 'Votondars' and 'non-Votondars' and how these two categories share the same kinship categories in different practicies.

Part III discusses the political alliances which is the most interesting chapter of the book 'Elite politics in Rural India'. This is the only chapter where the author has vividly analysed the political alliances in a very lucid style and clear manner by dividing the

alliances into 'Vertical' and 'horizontal' alliances. The author has made a review of the theory of factionalism though before that in a chapter he promised not to mention the term 'faction'. For this reason Carter has used the term' alliances' but unfortunately, instead of discussing the formation of alliances. the author has analysed the formation of factions, and main role taken in it and their purposes. His analyses an 'factionalism' give a clear meaning no doubt, but it left a way to criticise the author as he has analysed more about factionalism than Elite Politics. Role of money is very important for the formation of factions and alliances, which have been clearly elaborated and explained with illustrations in the book of Dr. Carter.

But unfortunately, the author has not clarified the idea of general readers regarding the name of the book and the subject matter he has analysed in it. The author has explained very briefly about the meaning of elite politics and the people who are called elite ; elite is a value free term inclusive of all those who score highest on scales measuring any social value or community, such as power, riches, knowledges,, So the author should have given special attention to explaining the meaning of elite, rural elites and elite politics with sufficient examples to clarify the doubts of the readers more clearly in a comprehensive manner.

Anyhow, nodoubt, the book 'Elite Politics in 'Rural India' is a valuable contribution of Anthony Carter towards the study of Rural Inida. The book analyses the basic rural politics and gives a beautiful picture of rural India which is not only helpful to the anthropologists, but also very much helpful to the students of Politics, Political Sociology and those who belong to other disciplines.

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N. N. Bhattacharyya — ANCIENT INDIAN RITUALS AND THEIR SOCIAL CONTENTS

Delhi Manohar Book Service, 1975, pp XVI - 184

The book under review contains rich material on ancient Indian rituals related to Asvamedha, Rajasuya, Vajapeya, tribal, initiation, menstrual rites, fertility cult, Diwali, Holi, and the proletarian cults of Bengal.

Asvamedha or horse-sacrifice was originally the Purushamedha in which a man was sacrificed instead of the horse after his ceremonial intercourse with the queen. Rajasuya was one of the Principal ceremonies of royal inauguration or royal concecration. Vajapeya was an agricultural affairs which was later transformed into one of the principal ceremonies of royal inauguration which bestowed upon the performer a superior kind of monarchy called Samrajya,

Bhattacharyya opines that primitive tribal rites of initiation developed into sophisticated form of Upanayana ceremonies of Hindus. Buddhist and Jain initiatiaons also were modelled on tribal initiation. Even Budhist Sanghas were guided by the tribal principles of equality and democracy. The rites associated with the first menstruation are similar all over the world.

While discussing about Asvamedha. vajapeya, Upanayan and menstrual rites in ancient India, the author has tried to show that sexual acts were intimately connected with primitive religious rituals, The relation between the sexual and religious aspects of human life, according to him, may be traced to the primitive beliefs centering round the ideas of fertility and procreation,

Many rituals, Bhattacharyya views, have developed of a primitive conception of death and rebirth, for example, the idea of death and rebirth contributed to the growth of the concepts of Karma, transmigration of soul, metempsychosis and so on. Holi

and Diwali also were originally the rituals of death and resurrections. According to him the present form of the Holi festival contains the relics of some primitive rituals connected with the concept of fertility, death and renewal of life. Diwali was also celebrated as death festival and probably due to this later on with popularity of the conception of Kali as goddess of death, it was connected with her annual worship. In the end of the book he has analysed the features of the proletarian revivals in terms of their functional role in the religious and social life of this country.

Thus, throughout the book the author has tried to prove that the ritualistic contents of the Brahamana literature, of the Dharma and Grihya Sutras, of the Smritis and Purnimas, of Buddhism, Jainism and Nath cult etc. are sophisticated developments and codifications of the ideas arising out of primitive beliefs.

It is true that some ancient rituals do contain some such elements which may be found among the rituals of some primitive tribes also, but on this basis is erroneous to claim that the ancient Indian rituals have their roots in primitive rituals. Bhattacharyya seems to be obessed more or less with the same type of fallacy which Mckim Mariott has shown while explaining the concepts of Universalization and parochialization. Bhattacharyya has also discounted the possibility of independent formulation and development ancient Indian ritual system, which may contain some elements similar to those found in some primitive tribes. Looking towards the limited knowledge, understanding and simple way of life of many primitive tribes it is difficult to believe that their belief pattern and rituals must have inspired Hindu rishis and sages, who, even now-a-days are considered, were possessed with matchless scholarship, understanding and philosophical thinking to develop very complicated but systematic and meaning-ful ancient Indian rituals.

This claim that" the rites associated with first menstruation are similar all over the world" is not correct even in the context of India, because in many parts of India such as U. P., M. P Rajasthan etc. no menstruation rite is performed almost in all the castes of Hindus. The first menstruation of the girls is passed unnoticed.Likewise his claim that passed unnoticed. Likewise his claim Diwali is celebrated as death festival and it is associated with Kali

as Goddess of death" not true for whole of India, because in many states of India, such as U. P., M. P., Rajasthan, Haryana etc. Diwali is associated with Lakshmi the Goddess of wealth, which brings prosperity and happiness. In these states Diwali festival is celebrated to commemorate the return of Rama to Ayodhya, and also to worship Goddess Lakshmi.

On the whole the book is beneficial for the readers because it contains detailed descriptions about many ancient Indian rituals which only a few are familiar.

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